ary of Baron v. Gagern in
hfort. a/m Sep. 53. Since
nd. J. Heliuson.

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Nov. 71. Sold at Mr. Jos Coolidge's, 184 Beacon St. Boston various articles that belonged to T. Jefferson; — The desk on which the Dec. of Indep. was written, which in its drawer contained his razors and an elevation of Monticello, drawn by J. himself. A water color drawing of the Parting of Hector and Andromache, which is inscribed as painted by B West for Thad. Kosciusko, and was given by K to Jefferson. A contemporary marble head of Nap. I. handsome and idealized, which belonged to T. J.

Mr. C had also an original miniature likeness of O. Cromwell, — water color. A brief of Byron at 18 by Thos. Waldron. The original drawing by Ary Scheffer of his heads of St Augustine and his mother. An engraved portrait of Sir John Herschell from a pure to plate.

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ADVERTISEMENT.

THE following Notes were written in Virginia in the year 1781, and ſomewhat corrected and enlarged in the winter of 1782, in anſwer to Queries propoſed to the Author, by a Foreigner of Diſtinction, then reſiding among us. The ſubjects are all treated imperfectly; ſome ſcarcely touched on. To apologize for this by developing the circumſtances of the time and place of their compoſition, would be to open wounds which have already bled enough. To theſe circumſtances ſome of their imperfections may with truth be aſcribed; the great maſs to the want of information and want of talents in the writer. He had a few copies printed, which he gave among his friends: and a tranſlation of them has been lately publiſhed in France, but with ſuch alterations as the laws of the preſs in that country rendered neceſſary. They are now offered to the public in their original form and language.

Feb. 27, 1787.

CON-

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QUERY

QUERY I.

AN exact deſcription of the limits and boundaries of the ſtate of Virginia? Limits.

Virginia is bounded on the Eaſt by the Atlantic: on the North by a line of latitude, croſſing the Eaſtern Shore through Watkins's Point, being about 37°. 57′. North latitude; from thence by a ſtreight line to Cinquac, near the mouth of Patowmac; thence by the Patowmac, which is common to Virginia and Maryland, to the firſt fountain of its northern branch; thence by a meridian line, paſſing through that fountain till it interſects a line running Eaſt and Weſt, in latitude 39°. 43′. 42.4″ which divides Maryland from Pennſylvania, and which was marked by Meſſrs. Maſon and Dixon; thence by that line, and a continuation of it weſtwardly to the completion of five degrees of longitude from the eaſtern boundary of Pennſylvania, in the ſame latitude, and thence by a meridian line to the Ohio: On the Weſt by the Ohio and Miſſiſipi, to latitude 36°. 30′. North: and on the South by the line of latitude laſt-

mentioned. By admeaſurements through nearly the whole of this laſt line, and ſupplying the unmeaſured parts from good data, the Atlantic and Miſſiſipi, are found in this latitude to be 758 miles diſtant, equal to 13°. 38′. of longitude, reckoning 55 miles and 3144 feet to the degree. This being our comprehenſion of longitude, that of our latitude, taken between this and Maſon and Dixon's line, is 3°. 13′. 42.4″. equal to 223.3 miles, ſuppoſing a degree of a great circle to be 69 m. 864 f. as computed by Caſſini. Theſe boundaries include an area ſomewhat triangular, of 121525 ſquare miles, whereof 79650 lie weſtward of the Allegany mountains, and 57034 weſtward of the meridian of the mouth of the Great Kanhaway. This ſtate is therefore one third larger than the iſlands of Great Britain and Ireland, which are reckoned at 88357 ſquare miles.

Theſe limits reſult from, 1. The antient charters from the crown of England. 2. The grant of Maryland to the Lord Baltimore, and the ſubſequent determinations of the Britiſh court as to the extent of that grant. 3. The grant of Pennſylvania to William Penn, and a compact between the general aſſemblies of the commonwealths of Virginia and Pennſylvania as to the extent of that grant. 4. The grant of Carolina, and

actual

actual location of its northern boundary, by consent of both parties. 5. The treaty of Paris of 1763. 6. The confirmation of the charters of the neighbouring states by the convention of Virginia at the time of constituting their commonwealth. 7. The cession made by Virginia to Congress of all the lands to which they had title on the North side of the Ohio.

QUERY II.

A NOTICE of its rivers, rivulets, and how far they are navigable? Rivers and Navigation.

An inspection of a map of Virginia, will give a better idea of the geography of its rivers, than any description in writing. Their navigation may be imperfectly noted.

Roanoke, so far as it lies within this state, is no where navigable, but for canoes, or light batteaux; and, even for these, in such detached parcels as to have prevented the inhabitants from availing themselves of it at all.

James River, and its waters, afford navigation as follows.

The whole of *Elizabeth River*, the lowest of those which run into James River, is a harbour, and would contain upwards of 300

 ships.

ſhips. The channel is from 150 to 200 fathom wide, and at common flood tide, affords 18 feet water to Norfolk. The Strafford, a 60 gun ſhip, went there, lightening herſelf to croſs the bar at Sowell's point. The Fier Rodrigue, pierced for 64 guns, and carrying 50, went there without lightening. Craney iſland, at the mouth of this river, commands its channel tolerably well.

Nanſemond River is navigable to Sleepy hole, for veſſels of 250 tons; to Suffolk, for thoſe of 100 tons; and to Milner's, for thoſe of 25.

Pagan Creek affords 8 or 10 feet water to Smithfeild, which admits veſſels of 20 ton.

Chickahominy has at its mouth a bar, on which is only 12 feet water at common flood tide. Veſſels paſſing that, may go 8 miles up the river; thoſe of 10 feet draught may go four miles further, and thoſe of ſix tons burthen, 20 miles further.

Appamattox may be navigated as far as Broadways, by any veſſel which has croſſed Harriſon's bar in James river; it keeps 8 or 9 feet water a mile or two higher up to Fiſher's bar, and 4 feet on that and upwards to Peterſburgh, where all navigation ceaſes.

James River itſelf affords harbour for veſſels of any ſize in Hampton Road, but not in ſafety through the whole winter; and there

there is navigable water for them as far as Mulberry iſland. A 40 gun ſhip goes to James town, and, lightening herſelf, may paſs to Harriſon's bar, on which there is only 15 feet water. Veſſels of 250 tons may go to Warwick; thoſe of 125 go to Rocket's, a mile below Richmond; from thence is about 7 feet water to Richmond; and about the center of the town, four feet and a half, where the navigation is interrupted by falls, which in a courſe of ſix miles, deſcend about 80 feet perpendicular: above theſe it is reſumed in canoes and batteaux, and is proſecuted ſafely and advantageouſly to within 10 miles of the Blue ridge; and even through the Blue ridge a ton weight has been brought; and the expence would not be great, when compared with its object, to open a tolerable navigation up Jackſon's river and Carpenter's creek, to within 25 miles of Howard's creek of Green briar, both of which have then water enough to float veſſels into the Great Kanhaway. In ſome future ſtate of population, I think it poſſible, that its navigation may alſo be made to interlock with that of the Patowmac, and through that to communicate by a ſhort portage with the Ohio. It is to be noted, that this river is called in the maps *James River*, only to its confluence with the Rivanna; thence to the

Blue ridge it is called the Fluvanna; and thence to its ſource, Jackſon's river. But in common ſpeech, it is called James river to its ſource.

The *Rivanna*, a branch of James river, is navigable for canoes and batteaux to its interſection with the South Weſt mountains, which is about 22 miles; and may eaſily be opened to navigation through thoſe mountains to its fork above Charlotteſville.

York River, at York town, affords the beſt harbour in the ſtate for veſſels of the largeſt ſize. The river there narrows to the width of a mile, and is contained within very high banks, cloſe under which the veſſels may ride. It holds 4 fathom water at high tide for 25 miles above York to the mouth of Poropotank, where the river is a mile and a half wide, and the channel only 75 fathom, and paſſing under a high bank. At the confluence of *Pamunkey* and *Mattapony*, it is reduced to 3 fathom depth, which continues up Pamunkey to Cumberland, where the width is 100 yards, and up Mattapony to within two miles of Frazer's ferry, where it becomes $2\frac{1}{2}$ fathom deep, and holds that about five miles. Pamunkey is then capable of navigation for loaded flats to Brockman's bridge, 50 miles above Hanover town,

and

and Mattapony to Downer's bridge, 70 miles above its mouth.

Piankatank, the little rivers making out of *Mobjack bay* and thoſe of the *Eaſtern ſhore*, receive only very ſmall veſſels, and theſe can but enter them.

Rappahanock affords 4 fathom water to Hobb's hole, and 2 fathom from thence to Frederickſburg.

Patowmac is $7\frac{1}{2}$ miles wide at the mouth; $4\frac{1}{2}$ at Nomony bay; 3 at Aquia; $1\frac{1}{2}$ at Hallooing point; $1\frac{1}{4}$ at Alexandria. Its ſoundings are, 7 fathom at the mouth; 5 at St. George's iſland; $4\frac{1}{2}$ at Lower Matchodic; 3 at Swan's point, and thence up to Alexandria; thence 10 feet water to the falls, which are 13 miles above Alexandria. Theſe falls are 15 miles in length, and of very great deſcent, and the navigation above them for batteaux and canoes, is ſo much interrupted as to be little uſed. It is, however, uſed in a ſmall degree up the Cohongoronta branch as far as Fort Cumberland, which was at the mouth of Wills's creek: and is capable, at no great expence, of being rendered very practicable. The Shenandoah branch interlocks with James river about the Blue ridge, and may perhaps in future be opened.

The *Miſſiſipi* will be one of the principal channels of future commerce for the country weſtward of the Alleghaney. From the mouth of this river to where it receives the Ohio, is 1000 miles by water, but only 500 by land, paſſing through the Chickaſaw country. From the mouth of the Ohio to that of the Miſſouri, is 230 miles by water, and 140 by land. From thence to the mouth of the Illinois river, is about 25 miles. The Miſſiſipi, below the mouth of the Miſſouri, is always muddy, and abounding with ſand bars, which frequently change their places. However, it carries 15 feet water to the mouth of the Ohio, to which place it is from one and a half to two miles wide, and thence to Kaſkaſkia from one mile to a mile and a quarter wide. Its current is ſo rapid, that it never can be ſtemmed by the force of the wind alone, acting on ſails. Any veſſel, however, navigated with oars, may come up at any time, and receive much aid from the wind. A batteau paſſes from the mouth of Ohio to the mouth of Miſſiſipi in three weeks, and is from two to three months getting up again. During its floods, which are periodical as thoſe of the Nile, the largeſt veſſels may paſs down it, if their ſteerage can be enſured. Theſe floods begin in April, and the river returns into its banks

banks early in Auguſt. The inundation extends further on the weſtern than eaſtern ſide, covering the lands in ſome places for 50 miles from its banks. Above the mouth of the Miſſouri, it becomes much ſuch a river as the Ohio, like it clear, and gentle in its current, not quite ſo wide, the period of its floods nearly the ſame, but not riſing to ſo great a height. The ſtreets of the village at Cohoes are not more than 10 feet above the ordinary level of the water, and yet were never overflowed. Its bed deepens every year. Cohoes, in the memory of many people now living, was inſulated by every flood of the river. What was the Eaſtern channel has now become a lake, 9 miles in length and one in width, into which the river at this day never flows. This river yields turtle of a peculiar kind, perch, trout, gar, pike, mullets, herrings, carp, ſpatula fiſh of 50 lb. weight, cat fiſh of an hundred pounds weight, buffalo fiſh, and ſturgeon. Alligators or crocodiles have been ſeen as high up as the Acanſas. It alſo abounds in herons, cranes, ducks, brant, geeſe, and ſwans. Its paſſage is commanded by a fort eſtabliſhed by this ſtate, five miles below the mouth of Ohio, and ten miles above the Carolina boundary.

The

The Miſſouri, ſince the treaty of Paris, the Illinois and Northern branches of the Ohio ſince the ceſſion to Congreſs, are no longer within our limits. Yet having been ſo heretofore, and ſtill opening to us channels of extenſive communication with the weſtern and north-weſtern country, they ſhall be noted in their order.

The *Miſſouri* is, in fact, the principal river, contributing more to the common ſtream than does the Miſſiſipi, even after its junction with the Illinois. It is remarkably cold, muddy and rapid. Its overflowings are conſiderable. They happen during the months of June and July. Their commencement being ſo much later than thoſe of the Miſſiſipi, would induce a belief that the ſources of the Miſſouri are northward of thoſe of the Miſſiſipi, unleſs we ſuppoſe that the cold increaſes again with the aſcent of the land from the Miſſiſipi weſtwardly. That this aſcent is great, is proved by the rapidity of the river. Six miles above the mouth it is brought within the compaſs of a quarter of a mile's width: yet the Spaniſh Merchants at Pancore, or St. Louis, ſay they go two thouſand miles up it. It heads far weſtward of the Rio Norte, or North River. There is, in the villages of Kaſkaſkia, Cohoes and St. Vincennes, no inconſiderable quantity of plate,

plate, ſaid to have been plundered during the laſt war by the Indians from the churches and private houſes of Santa Fé, on the North River, and brought to theſe villages for ſale. From the mouth of Ohio to Santa Fé are forty days journey, or about 1000 miles. What is the ſhorteſt diſtance between the navigable waters of the Miſſouri, and thoſe of the North River, or how far this is navigable above Santa Fé, I could never learn. From Santa Fé to its mouth in the Gulph of Mexico is about 1200 miles. The road from New Orleans to Mexico croſſes this river at the poſt of Rio Norte, 800 miles below Santa Fé: and from this poſt to New Orleans is about 1200 miles; thus making 2000 miles between Santa Fé and New Orleans, paſſing down the North river, Red river and Miſſiſipi; whereas it is 2230 through the Miſſouri and Miſſiſipi. From the ſame poſt of Rio Norte, paſſing near the mines of La Sierra and Laiguana, which are between the North river and the river Salina to Sartilla, is 375 miles; and from thence, paſſing the mines of Charcas, Zaccatecas and Potoſi, to the city of Mexico is 375 miles; in all, 1550 miles from Santa Fé to the city of Mexico. From New Orleans to the city of Mexico is about 1950 miles: the roads, after ſetting out from the Red river, near Natchitoches,

Natchitoches, keeping generally parallel with the coaſt, and about two hundred miles from it, till it enters the city of Mexico.

The *Illinois* is a fine river, clear, gentle, and without rapids; inſomuch that it is navigable for batteaux to its ſource. From thence is a portage of two miles only to the Chickago, which affords a batteau navigation of 16 miles to its entrance into lake Michigan. The Illinois, about 10 miles above its mouth, is 300 yards wide.

The *Kaſkaſkia* is 100 yards wide at its entrance into the Miſſiſipi, and preſerves that breadth to the Buffalo plains, 70 miles above. So far alſo it is navigable for loaded batteaux, and perhaps much further. It is not rapid.

The *Ohio* is the moſt beautiful river on earth. Its current gentle, waters clear, and boſom ſmooth and unbroken by rocks and rapids, a ſingle inſtance only excepted.

It is ¼ of a mile wide at Fort Pitt:

500 yards at the mouth of the Great Kanhaway:

1 mile and 25 poles at Louiſville:

¾ of a mile on the rapids, three or four miles below Louiſville:

½ a mile where the low country begins, which is 20 miles above Green river:

1¼ at the receipt of the Taniſſee:

And

And a mile wide at the mouth.

Its length, as meaſured according to its meanders by Capt. Hutchings, is as follows:

From Fort Pitt

	Miles.		Miles.
To Log's town	18½	Little Miami	126¼
Big Beaver creek	10¾	Licking creek	8
Little Beaver cr.	13½	Great Miami	26¾
Yellow creek	11¼	Big Bones	32½
Two creeks	21¼	Kentuckey	44¼
Long reach	53¼	Rapids	77¼
End Long reach	16½	Low country	155¼
Muſkingum	25½	Buffalo river	64½
Little Kanhaway	12¼	Wabaſh	97¼
Hockhocking	16	Big cave	42¾
Great Kanhaway	82½	Shawanee river	52½
Guiandot	43¾	Cherokee river	13
Sandy creek	14½	Maſſac	11
Sioto	48¼	Miſſiſipi	46
			1188

In common winter and ſpring tides it affords 15 feet water to Louiſville, 10 feet to La Tarte's rapids, 40 miles above the mouth of the great Kanhaway, and a ſufficiency at all times for light batteaux and canoes to Fort Pitt. The rapids are in latitude 38°. 8′. The inundations of this river begin about the laſt of March, and ſubſide in July. During theſe a firſt rate man of war may be carried from Louiſville to New Orleans, if the

the ſudden turns of the river and the ſtrength of its current will admit a ſafe ſteerage. The rapids at Louiſville deſcend about 30 feet in a length of a mile and a half. The bed of the river there is a ſolid rock, and is divided by an iſland into two branches, the ſouthern of which is about 200 yards wide, and is dry four months in the year. The bed of the northern branch is worn into channels by the conſtant courſe of the water, and attrition of the pebble ſtones carried on with that, ſo as to be paſſable for batteaux through the greater part of the year. Yet it is thought that the ſouthern arm may be the moſt eaſily opened for conſtant navigation. The riſe of the waters in theſe rapids does not exceed 10 or 12 feet. A part of this iſland is ſo high as to have been never overflowed, and to command the ſettlement at Louiſville, which is oppoſite to it. The fort, however, is ſituated at the head of the falls. The ground on the South ſide riſes very gradually.

The *Taniſſee*, Cherokee or Hogohege river is 600 yards wide at its mouth, ¼ of a mile at the mouth of Holſton, and 200 yards at Chotee, which is 20 miles above Holſton, and 300 miles above the mouth of the Taniſſee. This river croſſes the ſouthern boundary of Virginia, 58 miles from the Miſſiſipi. Its current is moderate. It is navigable for loaded boats of any burthen to the Muſcleſhoals,

Muſcleſhoals, where the river paſſes through the Cumberland mountain. Theſe ſhoals are 6 or 8 miles long, paſſable downwards for loaded canoes, but not upwards, unleſs there be a ſwell in the river. Above theſe the navigation for loaded canoes and batteaux continues to the Long iſland. This river has its inundations alſo. Above the Chickamogga towns is a whirlpool called the Sucking-pot, which takes in trunks of trees or boats, and throws them out again half a mile below. It is avoided by keeping very cloſe to the bank, on the South ſide. There are but a few miles portage between a branch of this river and the navigable waters of the river Mobile, which runs into the gulph of Mexico.

Cumberland, or Shawanee river, interſects the boundary between Virginia and North Carolina 67 miles from the Miſſiſipi, and again 198 miles from the ſame river, a little above the entrance of Obey's river into the Cumberland. Its clear fork croſſes the ſame boundary about 300 miles from the Miſſiſipi. Cumberland is a very gentle ſtream, navigable for loaded batteaux 800 miles, without interruption; then intervene ſome rapids of 15 miles in length, after which it is again navigable 70 miles upwards, which brings you within 10 miles of

the Cumberland mountains. It is about 120 yards wide through its whole courſe, from the head of its navigation to its mouth.

The *Wabaſh* is a very beautiful river, 400 yards wide at the mouth, and 300 at St. Vincennes, which is a poſt 100 miles above the mouth, in a direct line. Within this ſpace there are two ſmall rapids, which give very little obſtruction to the navigation. It is 400 yards wide at the mouth, and navigable 30 leagues upwards for canoes and ſmall boats. From the mouth of Maple river to that of Eel river is about 80 miles in a direct line, the river continuing navigable, and from one to two hundred yards in width. The Eel river is 150 yards wide, and affords at all times navigation for periaguas, to within 18 miles of the Miami of the lake. The Wabaſh, from the mouth of Eel river to Little river, a diſtance of 50 miles direct, is interrupted with frequent rapids and ſhoals, which obſtruct the navigation, except in a ſwell. Little river affords navigation during a ſwell to within 3 miles of the Miami, which thence affords a ſimilar navigation into lake Erié, 100 miles diſtant in a direct line. The Wabaſh overflows periodically in correſpondence with the Ohio, and in ſome places two leagues from its banks.

Green

Green River is navigable for loaded batteaux at all times 50 miles upwards; but it is then interrupted by impaſſable rapids, above which the navigation again commences, and continues good 30 or 40 miles to the mouth of Barren river.

Kentucky river is 90 yards wide at the mouth, and alſo at Boonſborough, 80 miles above. It affords a navigation for loaded batteaux 180 miles in a direct line, in the winter tides.

The *Great Miami* of the Ohio, is 200 yards wide at the mouth. At the Piccawee towns, 75 miles above, it is reduced to 30 yards; it is, nevertheleſs, navigable for loaded canoes 50 miles above theſe towns. The portage from its weſtern branch into the Miami of Lake Erié, is 5 miles; that from its eaſtern branch into Sanduſky river, is of 9 miles.

Salt river is at all times navigable for loaded batteaux 70 or 80 miles. It is 80 yards wide at its mouth, and keeps that width to its fork, 25 miles above.

The *Little Miami* of the Ohio, is 60 or 70 yards wide at its mouth, 60 miles to its ſource, and affords no navigation.

The *Sioto* is 250 yards wide at its mouth, which is in latitude 38°. 22′. and at the Saltlick towns, 200 miles above the mouth,

it is yet 100 yards wide. To theſe towns it is navigable for loaded batteaux, and its eaſtern branch affords navigation almoſt to its ſource.

Great Sandy river is about ſixty yards wide, and navigable ſixty miles for loaded batteaux.

Guiandot is about the width of the river laſt mentioned, but is more rapid. It may be navigated by canoes ſixty miles.

The *Great Kanhaway* is a river of conſiderable note for the fertility of its lands, and ſtill more, as leading towards the head-waters of James river. Nevertheleſs, it is doubtful whether its great and numerous rapids will admit a navigation, but at an expence to which it will require ages to render its inhabitants equal. The great obſtacles begin at what are called the great falls, 90 miles above the mouth, below which are only five or ſix rapids, and theſe paſſable, with ſome difficulty, even at low water. From the falls to the mouth of Greenbriar is 100 miles, and thence to the lead mines 120. It is 280 yards wide at its mouth.

Hock-hocking is 80 yards wide at its mouth, and yields navigation for loaded batteaux to the Preſs-place, 60 miles above its mouth.

The *Little Kanhaway* is 150 yards wide at the mouth. It yields a navigation of 10 miles only. Perhaps its northern branch,

called Junius's creek, which interlocks with the weſtern of Monongahela, may one day admit a ſhorter paſſage from the latter into the Ohio.

The *Muſkingum* is 280 yards wide at its mouth, and 200 yards at the lower Indian towns, 150 miles upwards. It is navigable for ſmall batteaux to within one mile of a navigable part of Cayahoga river, which runs into lake Erié.

At Fort Pitt the river Ohio loſes its name, branching into the Monongahela and Alleghaney.

The *Monongahela* is 400 yards wide at its mouth. From thence is 12 or 15 miles to the mouth of Yohoganey, where it is 300 yards wide. Thence to Redſtone by water is 50 miles, by land 30. Then to the mouth of Cheat river by water 40 miles, by land 28, the width continuing at 300 yards, and the navigation good for boats. Thence the width is about 200 yards to the weſtern fork, 50 miles higher, and the navigation frequently interrupted by rapids; which however with a ſwell of two or three feet become very paſſable for boats. It then admits light boats, except in dry ſeaſons, 65 miles further to the head of Tygarts valley, preſenting only ſome ſmall rapids and falls of one or two feet perpendicular, and leſſening in its width to 20

yards. The *Weſtern fork* is navigable in the winter 10 or 15 miles towards the northern of the Little Kanhaway, and will admit a good waggon road to it. The *Yohoganey* is the principal branch of this river. It paſſes through the Laurel mountain, about 30 miles from its mouth; is ſo far from 300 to 150 yards wide, and the navigation much obſtructed in dry weather by rapids and ſhoals. In its paſſage through the mountain it makes very great falls, admitting no navigation for ten miles to the Turkey foot. Thence to the great croſſing, about 20 miles, it is again navigable, except in dry ſeaſons, and at this place is 200 yards wide. The ſources of this river are divided from thoſe of the Patowmac by the Alleghaney mountain. From the falls, where it interſects the Laurel mountain, to Fort Cumberland, the head of the navigation on the Patowmac, is 40 miles of very mountainous road. Wills's creek, at the mouth of which was Fort Cumberland, is 30 or 40 yards wide, but affords no navigation as yet. *Cheat* river, another conſiderable branch of the Monongahela, is 200 yards wide at its mouth, and 100 yards at the Dunkard's ſettlement, 50 miles higher. It is navigable for boats, except in dry ſeaſons. The boundary between Virginia and

Pennſylvania croſſes it about three or four miles above its mouth.

The *Alleghaney* river, with a ſlight ſwell, affords navigation for light batteaux to Venango, at the mouth of French creek, where it is 200 yards wide; and it is practiſed even to Le Bœuf, from whence there is a portage of 15 miles to Preſque Iſle on Lake Erié.

The country watered by the Miſſiſipi and its eaſtern branches, conſtitutes five-eighths of the United States, two of which five-eighths are occupied by the Ohio and its waters: the reſiduary ſtreams which run into the Gulph of Mexico, the Atlantic, and the St. Laurence water, the remaining three-eighths.

Before we quit the ſubject of the weſtern waters, we will take a view of their principal connections with the Atlantic. Theſe are three; the Hudſon's river, the Patowmac, and the Miſſiſipi itſelf. Down the laſt will paſs all heavy commodities. But the navigation through the Gulph of Mexico is ſo dangerous, and that up the Miſſiſipi ſo difficult and tedious, that it is thought probable that European merchandize will not return through that channel. It is moſt likely that flour, timber, and other heavy articles will be floated on rafts, which will themſelves be an article for ſale as well as their loading, the

navigators returning by land or in light batteaux. There will therefore be a competition between the Hudſon and Patowma: rivers for the reſidue of the commerce of all the country weſtward of Lake Erié, on the waters of the lakes, of the Ohio, and upper parts of the Miſſiſipi. To go to New-York, that part of the trade which comes from the lakes or their waters muſt firſt be brought into Lake Erié. Between Lake Superior and its waters and Huron are the rapids of St. Mary, which will permit boats to paſs, but not larger veſſels. Lakes Huron and Michigan afford communication with Lake Erié by veſſels of 8 feet draught. That part of the trade which comes from the waters of the Miſſiſipi muſt paſs from them through ſome portage into the waters of the lakes. The portage from the Illinois river into a water of Michigan is of one mile only. From the Wabaſh, Miami, Muſkingum, or Alleghaney, are portages into the waters of Lake Erié, of from one to fifteen miles. When the commodities are brought into, and have paſſed through Lake Erié, there is between that and Ontario an interruption by the falls of Niagara, where the portage is of 8 miles; and between Ontario and the Hudſon's river are portages at the falls of Onondago, a little above Oſwego, of a quarter of a mile; from

Wood

Wood creek to the Mohawks river two miles; at the little falls of the Mohawks river half a mile, and from Schenectady to Albany 16 miles. Besides the increase of expence occasioned by frequent change of carriage, there is an increased risk of pillage produced by committing merchandize to a greater number of hands successively. The Patowmac offers itself under the following circumstances. For the trade of the lakes and their waters westward of Lake Erié, when it shall have entered that lake, it must coast along its southern shore, on account of the number and excellence of its harbours, the northern, though shortest, having few harbours, and these unsafe. Having reached Cayahoga, to proceed on to New-York it will have 825 miles and five portages: whereas it is but 425 miles to Alexandria, its emporium on the Patowmac, if it turns into the Cayahoga, and passes through that, Bïgbeaver, Ohio, Yohoganey, (or Monongalia and Cheat) and Patowmac, and there are but two portages; the first of which between Cayahoga and Beaver may be removed by uniting the sources of these waters, which are lakes in the neighbourhood of each other, and in a champaign country; the other from the waters of Ohio to Patowmac will be from 15 to 40 miles, according to the trouble which shall be taken to approach the two

navigations. For the trade of the Ohio, or that which ſhall come into it from its own waters or the Miſſiſipi, it is nearer through the Patowmac to Alexandria than to New-York by 580 miles, and it is interrupted by one portage only. There is another circumſtance of difference too. The lakes themſelves never freeze, but the communications between them freeze, and the Hudſon's river is itſelf ſhut up by the ice three months in the year; whereas the channel to the Cheſapeak leads directly into a warmer climate. The ſouthern parts of it very rarely freeze at all, and whenever the northern do, it is ſo near the ſources of the rivers, that the frequent floods to which they are there liable break up the ice immediately, ſo that veſſels may paſs through the whole winter, ſubject only to accidental and ſhort delays. Add to all this, that in caſe of a war with our neighbours the Anglo-Americans or the Indians, the route to New-York becomes a frontier through almoſt its whole length, and all commerce through it ceaſes from that moment.—But the channel to New-York is already known to practice; whereas the upper waters of the Ohio and the Patowmac, and the great falls of the latter, are yet to be cleared of their fixed obſtructions (1).

QUERY

QUERY III.

A NOTICE of the beſt ſea-ports of the ſtate, and how big are the veſſels they can receive?

Having no ports but our rivers and creeks, this Query has been anſwered under the preceding one.

QUERY IV.

A NOTICE of its *Mountains?* Mountains.

For the particular geography of our mountains I muſt refer to Fry and Jefferſon's map of Virginia; and to Evans's analyſis of his map of America for a more philoſophical view of them than is to be found in any other work. It is worthy notice, that our mountains are not ſolitary and ſcattered confuſedly over the face of the country; but that they commence at about 150 miles from the ſea-coaſt, are diſpoſed in ridges one behind another, running nearly parallel with the ſea-coaſt, though rather approaching it as they advance north-eaſtwardly. To the ſouth-weſt, as the tract of country between the ſea-coaſt and the Miſſiſſipi becomes narrower, the mountains converge into a ſingle ridge,

ridge, which, as it approaches the Gulph of Mexico, ſubſides into plain country, and gives riſe to ſome of the waters of that Gulph, and particularly to a river called the Apalachicola, probably from the Apalachies, an Indian nation formerly reſiding on it. Hence the mountains giving riſe to that river, and ſeen from its various parts, were called the Apalachian mountains, being in fact the end or termination only of the great ridges paſſing through the continent. European geographers however extended the name northwardly as far as the mountains extended; ſome giving it, after their ſeparation into different ridges, to the Blue ridge, others to the North mountain, others to the Alleghaney, others to the Laurel ridge, as may be ſeen in their different maps. But the fact I believe is, that none of theſe ridges were ever known by that name to the inhabitants, either native or emigrant, but as they ſaw them ſo called in European maps. In the ſame direction generally are the veins of lime-ſtone, coal and other minerals hitherto diſcovered: and ſo range the falls of our great rivers. But the courſes of the great rivers are at right angles with theſe. James and Patowmac penetrate through all the ridges of mountains eaſtward of the Alleghaney; that is broken by no watercourſe.

It

It is in fact the ſpine of the country between the Atlantic on one ſide, and the Miſſiſipi and St. Laurence on the other. The paſſage of the Patowmac through the Blue ridge is perhaps one of the moſt ſtupendous ſcenes in nature. You ſtand on a very high point of land. On your right comes up the Shenandoah, having ranged along the foot of the mountain an hundred miles to ſeek a vent. On your left approaches the Patowmac, in queſt of a paſſage alſo. In the moment of their junction they ruſh together againſt the mountain, rend it aſunder, and paſs off to the ſea. The firſt glance of this ſcene hurries our ſenſes into the opinion, that this earth has been created in time, that the mountains were formed firſt, that the rivers began to flow afterwards, that in this place particularly they have been dammed up by the Blue ridge of mountains, and have formed an ocean which filled the whole valley; that continuing to riſe they have at length broken over at this ſpot, and have torn the mountain down from its ſummit to its baſe. The piles of rock on each hand, but particularly on the Shenandoah, the evident marks of their diſrupture and avulſion from their beds by the moſt powerful agents of nature, corroborate the impreſſion. But the diſtant finiſhing which nature has given to the picture

ture is of a very different character. It is a true contraſt to the fore-ground. It is as placid and delightful, as that is wild and tremendous. For the mountain being cloven aſunder, ſhe preſents to your eye, through the cleft, a ſmall catch of ſmooth blue horizon, at an infinite diſtance in the plain country, inviting you, as it were, from the riot and tumult roaring around, to paſs through the breach and participate of the calm below. Here the eye ultimately compoſes itſelf; and that way too the road happens actually to lead. You croſs the Patowmac above the junction, paſs along its ſide through the baſe of the mountain for three miles, its terrible precipices hanging in fragments over you, and within about 20 miles reach Frederic town and the fine country round that. This ſcene is worth a voyage acroſs the Atlantic. Yet here, as in the neighbourhood of the natural bridge, are people who have paſſed their lives within half a dozen miles, and have never been to ſurvey theſe monuments of a war between rivers and mountains, which muſt have ſhaken the earth itſelf to its center. (2). — The height of our mountains has not yet been eſtimated with any degree of exactneſs. The Alleghaney being the great ridge which divides the waters of the Atlantic from thoſe

of

of the Miſſiſipi, its ſummit is doubtleſs more elevated above the ocean than that of any other mountain. But its relative height, compared with the baſe on which it ſtands, is not ſo great as that of ſome others, the country riſing behind the ſucceſſive ridges like the ſteps of ſtairs. The mountains of the Blue ridge, and of theſe the Peaks of Otter, are thought to be of a greater height, meaſured from their baſe, than any others in our country, and perhaps in North America. From data, which may found a tolerable conjecture, we ſuppoſe the higheſt peak to be about 4000 feet perpendicular, which is not a fifth part of the height of the mountains of South America, nor one third of the height which would be neceſſary in our latitude to preſerve ice in the open air unmelted through the year. The ridge of mountains next beyond the Blue ridge, called by us the North mountain, is of the greateſt extent; for which reaſon they were named by the Indians the Endleſs mountains.

A ſubſtance ſuppoſed to be Pumice, found floating on the Miſſiſipi, has induced a conjecture, that there is a volcano on ſome of its waters: and as theſe are moſtly known to their ſources, except the Miſſouri, our expectations of verifying the conjecture would of courſe be led to the mountains which di-

vide

vide the waters of the Mexican Gulph from thoſe of the South Sea; but no volcano having ever yet been known at ſuch a diſtance from the ſea, we muſt rather ſuppoſe that this floating ſubſtance has been erroneouſly deemed Pumice.

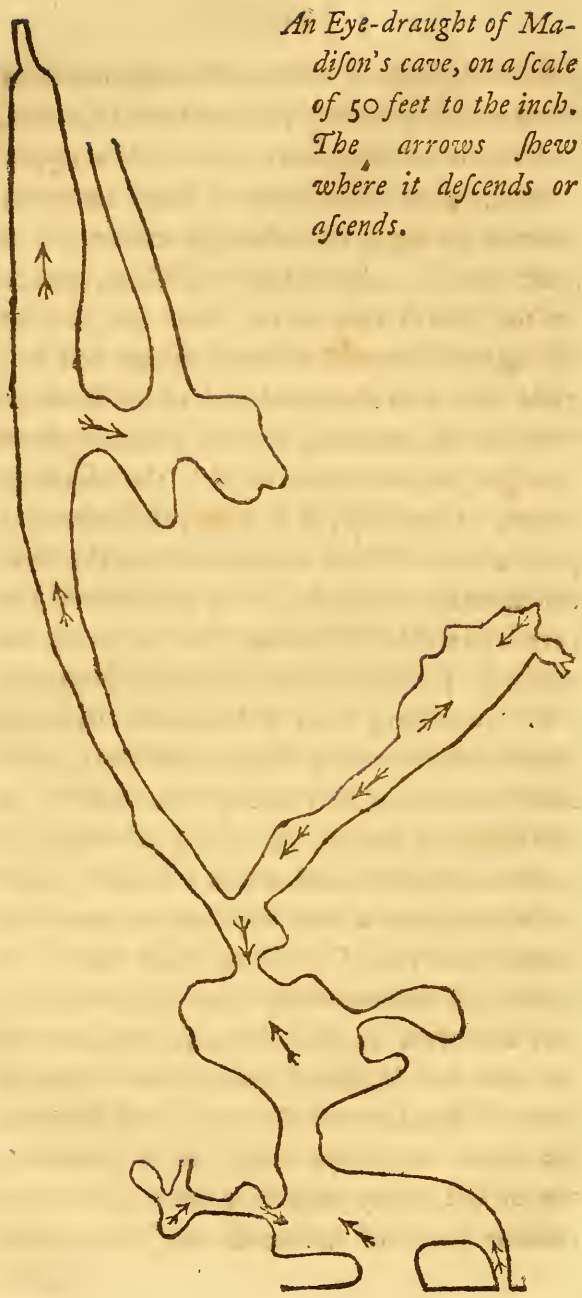
QUERY V.

ITS Caſcades and Caverns?

The only remarkable Caſcade in this country, is that of the Falling Spring in Auguſta. It is a water of James river, where it is called Jackſon's river, riſing in the warm ſpring mountains about twenty miles South Weſt of the warm ſpring, and flowing into that valley. About three quarters of a mile from its ſource, it falls over a rock 200 feet into the valley below. The ſheet of water is broken in its breadth by the rock in two or three places, but not at all in its height. Between the ſheet and rock, at the bottom, you may walk acroſs dry. This Cataract will bear no compariſon with that of Niagara, as to the quantity of water compoſing it; the ſheet being only 12 or 15 feet wide above, and ſomewhat more ſpread below; but it is half as high again, the latter being only 156 feet,

feet, according to the menſuration made by order of M. Vaudreuil, Governor of Canada, and 130 according to a more recent account.

In the lime-ſtone country, there are many caverns of very conſiderable extent. The moſt noted is called Madiſon's Cave, and is on the North ſide of the Blue ridge, near the interſection of the Rockingham and Auguſta line with the South fork of the ſouthern river of Shenandoah. It is in a hill of about 200 feet perpendicular height, the aſcent of which, on one ſide, is ſo ſteep, that you may pitch a biſcuit from its ſummit into the river which waſhes its baſe. The entrance of the cave is, in this ſide, about two thirds of the way up. It extends into the earth about 300 feet, branching into ſubordinate caverns, ſometimes aſcending a little, but more generally deſcending, and at length terminates, in two different places, at baſons of water of unknown extent, and which I ſhould judge to be nearly on a level with the water of the river; however, I do not think they are formed by refluent water from that, becauſe they are never turbid; becauſe they do not riſe and fall in correſpondence with that in times of flood, or of drought; and becauſe the water is always cool. It is probably one of the many reſervoirs with which the interior parts of the earth are ſuppoſed to abound, Madiſon's cave.



An Eye-draught of Madison's cave, on a scale of 50 feet to the inch. The arrows shew where it descends or ascends.

abound, and which yield ſupplies to the fountains of water, diſtinguiſhed from others only by its being acceſſible. The vault of this cave is of ſolid lime-ſtone, from 20 to 40 or 50 feet high, through which water is continually percolating. This, trickling down the ſides of the cave, has incruſted them over in the form of elegant drapery; and dripping from the top of the vault generates on that, and on the baſe below, ſtalactites of a conical form, ſome of which have met and formed maſſive columns.

Another of theſe caves is near the North mountain, in the county of Frederick, on the lands of Mr. Zane. The entrance into this is on the top of an extenſive ridge. You deſcend 30 or 40 feet, as into a well, from whence the cave then extends, nearly horizontally, 400 feet into the earth, preſerving a breadth of from 20 to 50 feet, and a height of from 5 to 12 feet. After entering this cave a few feet, the mercury, which in the open air was at 50°. roſe to 57°. of Farenheit's thermometer, anſwering to 11°. of Reaumur's, and it continued at that to the remoteſt parts of the cave. The uniform temperature of the cellars of the obſervatory of Paris, which are 90 feet deep, and of all ſubterranean cavities of any depth, where no chymical agents may be ſuppoſed

to produce a factitious heat, has been found to be 10°. of Reamur, equal to 54½°. of Farenheit. The temperature of the cave above-mentioned so nearly corresponds with this, that the difference may be ascribed to a difference of instruments.

Blowing cave.

At the Panther gap, in the ridge which divides the waters of the Cow and the Calf pasture, is what is called the *Blowing cave.* It is in the side of a hill, is of about 100 feet diameter, and emits constantly a current of air of such force, as to keep the weeds prostrate to the distance of twenty yards before it. This current is strongest in dry frosty weather, and in long spells of rain weakest. Regular inspirations and expirations of air, by caverns and fissures, have been probably enough accounted for, by supposing them combined with intermitting fountains; as they must of course inhale air while their reservoirs are emptying themselves, and again emit it while they are filling. But a constant issue of air, only varying in its force as the weather is drier or damper, will require a new hypothesis. There is another blowing cave in the Cumberland mountain, about a mile from where it crosses the Carolina line. All we know of this is, that it is not constant, and that a fountain of water issues from it.

The *Natural bridge*, the moſt ſublime of Nature's works, though not comprehended under the preſent head, muſt not be pretermitted. It is on the aſcent of a hill, which ſeems to have been cloven through its length by ſome great convulſion. The fiſſure, juſt at the bridge, is, by ſome admeaſurements, 270 feet deep, by others only 205. It is about 45 feet wide at the bottom, and 90 feet at the top; this of courſe determines the length of the bridge, and its height from the water. Its breadth in the middle, is about 60 feet, but more at the ends, and the thickneſs of the maſs at the ſummit of the arch, about 40 feet. A part of this thickneſs is conſtituted by a coat of earth, which gives growth to many large trees. The reſidue, with the hill on both ſides, is one ſolid rock of limeſtone. The arch approaches the Semi-elliptical form; but the larger axis of the ellipſis, which would be the cord of the arch, is many times longer than the tranſverſe. Though the ſides of this bridge are provided in ſome parts with a parapet of fixed rocks, yet few men have reſolution to walk to them and look over into the abyſs. You involuntarily fall on your hands and feet, creep to the parapet and peep over it. Looking down from this height about a minute, gave me a violent head ach. If the view from the top be pain-

Natural bridge.

ful and intolerable, that from below is delightful in an equal extreme. It is impoſſible for the emotions ariſing from the ſublime, to be felt beyond what they are here: ſo beautiful an arch, ſo elevated, ſo light, and ſpringing as it were up to heaven, the rapture of the ſpectator is really indeſcribable! The fiſſure continuing narrow, deep, and ſtreight for a conſiderable diſtance above and below the bridge, opens a ſhort but very pleaſing view of the North mountain on one ſide, and Blue ridge on the other, at the diſtance each of them of about five miles. This bridge is in the county of Rock bridge, to which it has given name, and affords a public and commodious paſſage over a valley, which cannot be croſſed elſewhere for a conſiderable diſtance. The ſtream paſſing under it is called Cedar creek. It is a water of James river, and ſufficient in the drieſt ſeaſons to turn a griſt-mill, though its fountain is not more than two miles above *.

QUERY

* Don Ulloa mentions a break, ſimilar to this, in the province of Angaraez, in South America. It is from 16 to 22 feet wide, 111 feet deep, and of 1.3 miles continuance, Engliſh meaſures. Its breadth at top is not ſenſibly greater than at bottom. But the following fact is remarkble, and will furniſh ſome light for conjecturing the probable origin of our natural bridge. 'Eſta caxa, ó cauce eſtá cortada en péna viva con

QUERY VI.

A NOTICE of the mines and other sub-terraneous riches; its trees, plants, fruits, &c. 1. Minerals.

I knew

con tanta precision, que las desigualdades del un lado entrantes, corresponden á las del otro lado salientes, como si aquella altura se hubiese abierto expresamente, con sus bueltas y tortuosidades, para darle transito á los aguas por entre los dos murallones que la forman; siendo tal su igualdad, que si llegasen á juntarse se endentarían uno con otro sin dexar hueco.' Not. Amer. II. §. 10. Don Ulloa inclines to the opinion, that this channel has been effected by the wearing of the water which runs through it, rather than that the mountain should have been broken open by any convulsion of nature. But if it had been worn by the running of water, would not the rocks which form the sides, have been worn plane? or if, meeting in some parts with veins of harder stone, the water had left prominences on the one side, would not the same cause have sometimes, or perhaps generally, occasioned prominences on the other side also? Yet Don Ulloa tells us, that on the other side there are always corresponding cavities, and that these tally with the prominences so perfectly, that, were the two sides to come together, they would fit in all their indentures, without leaving any void. I think that this does not resemble the effect of running water, but looks rather as if the two sides had parted asunder. The sides of the break, over which is the Natural bridge of Virginia, consisting of a veiny rock which yields to time, the correspondence between the salient and re-entering inequalities, if it

Gold. I knew a ſingle inſtance of gold found in this ſtate. It was interſperſed in ſmall ſpecks through a lump of ore, of about four pounds weight, which yielded ſeventeen penny-weight of gold, of extraordinary ductility. This ore was found on the North ſide of Rappahanoc, about four miles below the falls. I never heard of any other indication of gold in its neighbourhood.

Lead. On the Great Kanhaway, oppoſite to the mouth of Cripple creek, and about twenty-five miles from our ſouthern boundary, in the county of Montgomery, are mines of lead. The metal is mixed, ſometimes with earth, and ſometimes with rock, which requires the force of gunpowder to open it; and is accompanied with a portion of ſilver, too ſmall to be worth ſeparation under any proceſs hitherto attempted there. The proportion yielded is from 50 to 80 lb. of pure metal from 100 lb. of waſhed ore. The moſt common is that of 60 to the 100 lb. The veins are at ſometimes moſt flattering; at others they diſappear ſuddenly and totally. They enter the ſide of the hill, and proceed

exiſted at all, has now diſappeared. This break has the advantage of the one deſcribed by Don Ulloa in its fineſt circumſtance; no portion in that inſtance having held together, during the ſeparation of the other parts, ſo as to form a bridge over the Abyſs.

hori-

horizontally. Two of them are wrought at preſent by the public, the beſt of which is 100 yards under the hill. Theſe would employ about 50 labourers to advantage. We have not, however, more than 30 generally, and theſe cultivate their own corn. They have produced 60 tons of lead in the year; but the general quantity is from 20 to 25 tons. The preſent furnace is a mile from the ore-bank, and on the oppoſite ſide of the river. The ore is firſt waggoned to the river, a quarter of a mile, then laden on board of canoes and carried acroſs the river, which is there about 200 yards wide, and then again taken into waggons and carried to the furnace. This mode was originally adopted, that they might avail themſelves of a good ſituation on a creek, for a pounding mill: but it would be eaſy to have the furnace and pounding mill on the ſame ſide of the river, which would yield water, without any dam, by a canal of about half a mile in length. From the furnace the lead is tranſported 130 miles along a good road, leading through the peaks of Otter to Lynch's ferry, or Winſton's, on James river, from whence it is carried by water about the ſame diſtance to Weſtham. This land carriage may be greatly ſhortened, by delivering the lead on James river, above the blue ridge, from

whence a ton weight has been brought on two canoes. The Great Kanhaway has conſiderable falls in the neighbourhood of the mines. About ſeven miles below are three falls, of three or four feet perpendicular each; and three miles above is a rapid of three miles continuance, which has been compared in its deſcent to the great fall of James river. Yet it is the opinion, that they may be laid open for uſeful navigation, ſo as to reduce very much the portage between the Kanhaway and James river.

A valuable lead mine is ſaid to have been lately diſcovered in Cumberland, below the mouth of Red river. The greateſt, however, known in the weſtern country, are on the Miſſiſipi, extending from the mouth of Rock river 150 miles upwards. Theſe are not wrought, the lead uſed in that country being from the banks on the Spaniſh ſide of the Miſſiſipi, oppoſite to Kaſkaſkia.

Copper. A mine of copper was once opened in the county of Amherſt, on the North ſide of James river, and another in the oppoſite country, on the South ſide. However, either from bad management or the poverty of the veins, they were diſcontinued. We are told of a rich mine of native copper on the Ouabache, below the upper Wiaw.

The

The mines of iron worked at preſent are Iron.
Callaway's, Roſs's, and Ballendine's, on the South ſide of James river; Old's on the North ſide, in Albemarle; Miller's in Auguſta, and Zane's in Frederic. Theſe two laſt are in the valley between the Blue ridge and North mountain. Callaway's, Roſs's, Millar's, and Zane's, make about 150 tons of bar iron each, in the year. Roſs's makes alſo about 1600 tons of pig iron annually; Ballendine's 1000; Callaway's, Millar's, and Zane's, about 600 each. Beſides theſe, a forge of Mr. Hunter's, at Frederickſburgh, makes about 300 tons a year of bar iron, from pigs imported from Maryland; and Taylor's forge on Neapſco of Patowmac, works in the ſame way, but to what extent I am not informed. The indications of iron in other places are numerous, and diſperſed through all the middle country. The toughneſs of the caſt iron of Roſs's and Zane's furnaces is very remarkable. Pots and other utenſils, caſt thinner than uſual, of this iron, may be ſafely thrown into, or out of the waggons in which they are tranſported. Salt-pans made of the ſame, and no longer wanted for that purpoſe, cannot be broken up, in order to be melted again, unleſs previouſly drilled in many parts.

In the weſtern country, we are told of iron mines between the Muſkingum and Ohio; of

of others on Kentucky, between the Cumberland and Barren rivers, between Cumberland and Tanniſſee, on Reedy creek, near the Long iſland, and on Cheſnut creek, a branch of the Great Kanhaway, near where it croſſes the Carolina line. What are called the iron banks, on the Miſſiſipi, are believed, by a good judge, to have no iron in them. In general, from what is hitherto known of that country, it ſeems to want iron.

Black lead. Conſiderable quantities of black lead are taken occaſionally for uſe from Winterham, in the county of Amelia. I am not able, however, to give a particular ſtate of the mine. There is no work eſtabliſhed at it, thoſe who want, going and procuring it for themſelves.

Pit coal. The country on James river, from 15 to 20 miles above Richmond, and for ſeveral miles northward and ſouthward, is replete with mineral coal of a very excellent quality. Being in the hands of many proprietors, pits have been opened, and before the interruption of our commerce were worked to an extent equal to the demand.

In the weſtern country coal is known to be in ſo many places, as to have induced an opinion, that the whole tract between the Laurel mountain, Miſſiſipi, and Ohio, yields coal. It is alſo known in many places on the

the North ſide of the Ohio. The coal at Pittſburg is of very ſuperior quality. A bed of it at that place has been a-fire ſince the year 1765. Another coal-hill on the Pike-run of Monongahela has been a-fire ten years; yet it has burnt away about twenty yards only.

I have known one inſtance of an Emerald found in this country. Amethyſts have been frequent, and chryſtals common; yet not in ſuch numbers any of them as to be worth ſeeking. Precious ſtones.

There is very good marble, and in very great abundance, on James river, at the mouth of Rockfiſh. The ſamples I have ſeen, were ſome of them of a white as pure as one might expect to find on the ſurface of the eaath: but moſt of them were variegated with red, blue, and purple. None of it has been ever worked. It forms a very large precipice, which hangs over a navigable part of the river. It is ſaid there is marble at Kentucky. Marble.

But one vein of lime-ſtone is known below the Blue ridge. Its firſt appearance, in our country, is in Prince William, two miles below the Pignut ridge of mountains; thence it paſſes on nearly parallel with that, and croſſes the Rivanna about five miles below it, where it is called the South-weſt ridge. It then croſſes Hardware, above the mouth Limeſtone.

of

of Hudſon's creek, James river at the mouth of Rockfiſh, at the marble quarry before ſpoken of, probably runs up that river to where it appears again at Roſs's iron-works, and ſo paſſes off ſouth-weſtwardly by Flat creek of Otter river. It is never more than one hundred yards wide. From the Blue ridge weſtwardly the whole country ſeems to be founded on a rock of lime-ſtone, beſides infinite quantities on the ſurface, both looſe and fixed. This is cut into beds, which range, as the mountains and ſea-coaſt do, from ſouth-weſt to north-eaſt, the lamina of each bed declining from the horizon towards a paralleliſm with the axis of the earth. Being ſtruck with this obſervation, I made, with a quadrant, a great number of trials on the angles of their declination, and found them to vary from 22°. to 60°. but averaging all my trials, the reſult was within one-third of a degree of the elevation of the pole or latitude of the place, and much the greateſt part of them taken ſeparately were little different from that: by which it appears, that theſe lamina are, in the main, parallel with the axis of the earth. In ſome inſtances, indeed, I found them perpendicular, and even reclining the other way: but theſe were extremely rare, and always attended with ſigns of convulſion, or other circumſtances of ſingularity,

gularity, which admitted a poſſibility of removal from their original poſition. Theſe trials were made between Madiſon's cave and the Patowmac. We hear of lime-ſtone on the Miſſiſipi and Ohio, and in all the mountainous country between the eaſtern and weſtern waters, not on the mountains themſelves, but occupying the vallies between them.

Near the eaſtern foot of the North mountain are immenſe bodies of *Schiſt*, containing impreſſions of ſhells in a variety of forms. I have received petrified ſhells of very different kinds from the firſt ſources of the Kentucky, which bear no reſemblance to any I have ever ſeen on the tide-waters. It is ſaid that ſhells are found in the Andes, in South-America, fifteen thouſand feet above the level of the ocean. This is conſidered by many, both of the learned and unlearned, as a proof of an univerſal deluge. To the many conſiderations oppoſing this opinion, the following may be added. The atmoſphere, and all its contents, whether of water, air, or other matters, gravitate to the earth; that is to ſay, they have weight. Experience tells us, that the weight of all theſe together never exceeds that of a column of mercury of 31 inches height, which is equal to one of rain-water of 35 feet high. If the whole contents

of the atmoſphere then were water, inſtead of what they are, it would cover the globe but 35 feet deep; but as theſe waters, as they fell, would run into the ſeas, the ſuperficial meaſure of which is to that of the dry parts of the globe as two to one, the ſeas would be raiſed only 52½ feet above their preſent level, and of courſe would overflow the lands to that height only. In Virginia this would be a very ſmall proportion even of the champaign country, the banks of our tide-waters being frequently, if not generally, of a greater height. Deluges beyond this extent then, as for inſtance, to the North mountain or to Kentucky, ſeem out of the laws of nature. But within it they may have taken place to a greater or leſs degree, in proportion to the combination of natural cauſes which may be ſuppoſed to have produced them. Hiſtory renders probable ſome inſtances of a partial deluge in the country lying round the Mediterranean ſea. It has been often * ſuppoſed, and is not unlikely, that that ſea was once a lake. While ſuch, let us admit an extraordinary collection of the waters of the atmoſphere from the other parts of the globe to have been diſcharged over that and the countries whoſe waters run into it. Or without ſuppoſing it a lake, admit

* 2. Buffon Epoques, 96.

ſuch

ſuch an extraordinary collection of the waters of the atmoſphere, and an influx of waters from the Atlantic ocean, forced by long continued Weſtern winds. That lake, or that ſea, may thus have been ſo raiſed as to overflow the low lands adjacent to it, as thoſe of Egypt and Armenia, which, according to a tradition of the Egyptians and Hebrews, were overflowed about 2300 years before the Chriſtian æra; thoſe of Attica, ſaid to have been overflowed in the time of Ogyges, about 500 years later; and thoſe of Theſſaly, in the time of Deucalion, ſtill 300 years poſterior. But ſuch deluges as theſe will not account for the ſhells found in the higher lands. A ſecond opinion has been entertained, which is, that, in times anterior to the records either of hiſtory or tradition, the bed of the ocean, the principal reſidence of the ſhelled tribe, has, by ſome great convulſion of nature, been heaved to the heights at which we now find ſhells and other remains of marine animals. The favourers of this opinion do well to ſuppoſe the great events on which it reſts to have taken place beyond all the æras of hiſtory; for within theſe, certainly none ſuch are to be found: and we may venture to ſay further, that no fact has taken place, either in our own days, or in the thouſands of years recorded in hiſtory, which proves the exiſtence

of

of any natural agents, within or without the bowels of the earth, of force ſufficient to heave, to the height of 15,000 feet, ſuch maſſes as the Andes. The difference between the power neceſſary to produce ſuch an effect, and that which ſhuffled together the different parts of Calabria in our days, is ſo immenſe, that, from the exiſtence of the latter we are not authoriſed to infer that of the former.

M. de Voltaire has ſuggeſted a third ſolution of this difficulty (Queſt. encycl. Coquilles). He cites an inſtance in Touraine, where, in the ſpace of 80 years, a particular ſpot of earth had been twice metamorphoſed into ſoft ſtone, which had become hard when employed in building. In this ſtone ſhells of various kinds were produced, diſcoverable at firſt only with the microſcope, but afterwards growing with the ſtone. From this fact, I ſuppoſe, he would have us infer, that, beſides the uſual proceſs for generating ſhells by the elaboration of earth and water in animal veſſels, nature may have provided an equivalent operation, by paſſing the ſame materials through the pores of calcareous earths and ſtones: as we ſee calcareous drop-ſtones generating every day by the percolation of water through lime-ſtone, and new marble forming in the quarries from which the

the old has been taken out; and it might be aſked, whether it is more difficult for nature to ſhoot the calcareous juice into the form of a ſhell, than other juices into the forms of chryſtals, plants, animals, according to the conſtruction of the veſſels through which they paſs? There is a wonder ſomewhere. Is it greateſt on this branch of the dilemma; on that which ſuppoſes the exiſtence of a power, of which we have no evidence in any other caſe; or on the firſt, which requires us to believe the creation of a body of water, and its ſubſequent annihilation? The eſtabliſhment of the inſtance, cited by M. de Voltaire, of the growth of ſhells unattached to animal bodies, would have been that of his theory. But he has not eſtabliſhed it. He has not even left it on ground ſo reſpectable as to have rendered it an object of enquiry to the literati of his own country. Abandoning this fact, therefore, the three hypotheſes are equally unſatisfactory; and we muſt be contented to acknowledge, that this great phænomenon is as yet unſolved. Ignorance is preferable to error; and he is leſs remote from the truth who believes nothing, than he who believes what is wrong.

Stone. There is great abundance (more eſpecially when you approach the mountains) of ſtone, white, blue, brown, &c. fit for the chiſſel,

good mill-ſtone, ſuch alſo as ſtands the fire, and ſlate-ſtone. We are told of flint, fit for gun-flints, on the Meherrin in Brunſwic, on the Miſſiſipi between the mouth of Ohio and Kaſkaſkia, and on others of the weſtern waters. Iſinglaſs or mica is in ſeveral places; load-ſtone alſo, and an Aſbeſtos of a ligneous texture, is ſometimes to be met with.

Earths. Marle abounds generally. A clay, of which, like the Sturbridge in England, bricks are made, which will reſiſt long the violent action of fire, has been found on Tuckahoe creek of James river, and no doubt will be found in other places. Chalk is ſaid to be in Botetourt and Bedford. In the latter county is ſome earth, believed to be Gypſeous. Ochres are found in various parts.

Nitre. In the lime-ſtone country are many caves, the earthy floors of which are impregnated with nitre. On Rich creek, a branch of the Great Kanhaway, about 60 miles below the lead mines, is a very large one, about 20 yards wide, and entering a hill a quarter or half a mile. The vault is of rock, from 9 to 15 or 20 feet above the floor. A Mr. Lynch, who gives me this account, undertook to extract the nitre. Beſides a coat of the ſalt which had formed on the vault and floor, he found the earth highly impregnated to the depth of ſeven feet in ſome places, and gene-

rally of three, every bushel yielding on an average three pounds of nitre. Mr. Lynch having made about 1000lb. of the salt from it, consigned it to some others, who have since made 10,000 lb. They have done this by pursuing the cave into the hill, never trying a second time the earth they have once exhausted, to see how far or soon it receives another impregnation. At least fifty of these caves are worked on the Greenbriar. There are many of them known on Cumberland river.

Salt. The country westward of the Alleghaney abounds with springs of common salt. The most remarkable we have heard of are at Bullet's lick, the Big bones, the Blue licks, and on the North fork of Holston. The area of Bullet's lick is of many acres. Digging the earth to the depth of three feet, the water begins to boil up, and the deeper you go, and the drier the weather, the stronger is the brine. A thousand gallons of water yield from a bushel to a bushel and a half of salt, which is about 80lb. of water to one lb. of salt; but of sea-water 25lb. yield one lb. of salt. So that sea-water is more than three times as strong as that of these springs. A salt spring has been lately discovered at the Turkey foot on Yohogany, by which river it is overflowed, except at very low water.

Its merit is not yet known. Duning's lick is alſo as yet untried, but it is ſuppoſed to be the beſt on this ſide the Ohio. The ſalt ſprings on the margin of the Onondago lake are ſaid to give a ſaline taſte to the waters of the lake.

Medicinal ſprings.

There are ſeveral Medicinal ſprings, ſome of which are indubitably efficacious, while others ſeem to owe their reputation as much to fancy, and change of air and regimen, as to their real virtues. None of them having undergone a chemical analyſis in ſkilful hands, nor been ſo far the ſubject of obſervations as to have produced a reduction into claſſes of the diſorders which they relieve, it is in my power to give little more than an enumeration of them.

The moſt efficacious of theſe are two ſprings in Auguſta, near the firſt ſources of James river, where it is called Jackſon's river. They riſe near the foot of the ridge of mountains, generally called the Warm ſpring mountain, but in the maps Jackſon's mountains. The one is diſtinguiſhed by the name of the Warm ſpring, and the other of the Hot ſpring. The Warm ſpring iſſues with a very bold ſtream, ſufficient to work a griſt-mill, and to keep the waters of its baſon, which is 30 feet in diameter, at the vital warmth, viz. 96°. of Farenheit's thermometer. The mat-

ter

ter with which theſe waters is allied is very volatile; its ſmell indicates it to be ſulphureous, as alſo does the circumſtance of its turning ſilver black. They relieve rheumatiſms. Other complaints alſo of very different natures have been removed or leſſened by them. It rains here four or five days in every week.

The *Hot ſpring* is about ſix miles from the Warm, is much ſmaller, and has been ſo hot as to have boiled an egg. Some believe its degree of heat to be leſſened. It raiſes the mercury in Farenheit's thermometer to 112 degrees, which is fever heat. It ſometimes relieves where the Warm ſpring fails. A fountain of common water, iſſuing within a few inches of its margin, gives it a ſingular appearance. Comparing the temperature of theſe with that of the Hot ſprings of Kamſchatka, of which Krachininnikow gives an account, the difference is very great, the latter raiſing the mercury to 200°. which is within 12°. of boiling water. Theſe ſprings are very much reſorted to in ſpite of a total want of accommodation for the ſick. Their waters are ſtrongeſt in the hotteſt months, which occaſions their being viſited in July and Auguſt principally.

The Sweet ſprings are in the county of Botetourt, at the eaſtern foot of the Alleghaney,

ney, about 42 miles from the Warm ſprings. They are ſtill leſs known. Having been found to relieve caſes in which the others had been ineffectually tried, it is probable their compoſition is different. They are different alſo in their temperature, being as cold as common water: which is not mentioned, however, as a proof of a diſtinct impregnation. This is among the firſt ſources of James river.

On Patowmac river, in Berkeley county, above the North mountain, are Medicinal ſprings, much more frequented than thoſe of Auguſta. Their powers, however, are leſs, the waters weakly mineralized, and ſcarcely warm. They are more viſited, becauſe ſituated in a fertile, plentiful, and populous country, better provided with accommodations, always ſafe from the Indians, and neareſt to the more populous ſtates.

In Louiſa county, on the head waters of the South Anna branch of York river, are ſprings of ſome medicinal virtue. They are not much uſed however. There is a weak chalybeate at Richmond; and many others in various parts of the country, which are of too little worth, or too little note, to be enumerated after thoſe before-mentioned.

We are told of a Sulphur ſpring on Howard's creek of Greenbriar, and another at Boonſborough on Kentuckey.

In

In the low grounds of the Great Kanhaway, 7 miles above the mouth of Elk river, and 67 above that of the Kanhaway itſelf, is a hole in the earth of the capacity of 30 or 40 gallons, from which iſſues conſtantly a bituminous vapour in ſo ſtrong a current, as to give to the ſand about its orifice the motion which it has in a boiling ſpring. On preſenting a lighted candle or torch within 18 inches of the hole, it flames up in a column of 18 inches diameter, and four or five feet height, which ſometimes burns out within 20 minutes, and at other times has been known to continue three days, and then has been left ſtill burning. The flame is unſteady, of the denſity of that of burning ſpirits, and ſmells like burning pit coal. Water ſometimes collects in the baſon, which is remarkably cold, and is kept in ebullition by the vapour iſſuing through it. If the vapour be fired in that ſtate, the water ſoon becomes ſo warm that the hand cannot bear it, and evaporates wholly in a ſhort time. This, with the circumjacent lands, is the property of his Excellency General Waſhington and of General Lewis. Burning ſpring.

There is a ſimilar one on Sandy river, the flame of which is a column of about 12 inches diameter, and 3 feet high. General Clarke, who informs me of it, kindled the

vapour, ſtaid about an hour, and left it burning.

Syphon fountains.

The mention of uncommon ſprings leads me to that of Syphon fountains. There is one of theſe near the interſection of the Lord Fairfax's boundary with the North mountain, not far from Brock's gap, on the ſtream of which is a griſt-mill, which grinds two buſhel of grain at every flood of the ſpring. Another, near the Cow-paſture river, a mile and a half below its confluence with the Bull-paſture river, and 16 or 17 miles from the Hot ſprings, which intermits once in every twelve hours. One alſo near the mouth of the North Holſton.

After theſe may be mentioned the *Natural Well*, on the lands of a Mr. Lewis in Frederick county. It is ſomewhat larger than a common well: the water riſes in it as near the ſurface of the earth as in the neighbouring artificial wells, and is of a depth as yet unknown. It is ſaid there is a current in it tending ſenſibly downwards. If this be true, it probably feeds ſome fountain, of which it is the natural reſervoir, diſtinguiſhed from others, like that of Madiſon's cave, by being acceſſible. It is uſed with a bucket and windlaſs as an ordinary well.

Vegetables.

A complete catalogue of the trees, plants, fruits, &c. is probably not deſired. I will

ſketch

ſketch out thoſe which would principally attract notice, as being 1. Medicinal, 2. Eſculent, 3. Ornamental, or 4. Uſeful for fabrication; adding the Linnæan to the popular names, as the latter might not convey preciſe information to a foreigner. I ſhall confine myſelf too to native plants.

1. Senna. Caſſia liguſtrina.

Arſmart. Polygonum Sagittatum.

Clivers, or gooſe-graſs. Galium ſpurium.

Lobelia of ſeveral ſpecies.

Palma Chriſti. Ricinus.

(3.) James-town weed. Datura Stramonium.

Mallow. Malva rotundifolia.

Syrian mallow. Hibiſcus moſchentos.

Hibiſcus virginicus.

Indian mallow. Sida rhombifolia.

Sida abutilon.

Virginia Marſhmallow. Napæa hermaphrodita.

Napæa dioica.

Indian phyſic. Spiræa trifoliata.

Euphorbia Ipecacuanhæ.

Pleuriſy root. Aſclepias decumbens.

Virginia ſnake-root. Ariſtolochia ſerpentaria.

Black ſnake-root. Actæa racemoſa.

Seneca rattleſnake-root. Polygala Senega.

Valerian. Valeriana locuſta radiata.

Gentiana,

Gentiana, Saponaria, Villosa & Centaurium.
Ginseng. Panax quinquefolium.
Angelica. Angelica sylvestris.
Cassava. Jatropha urens.

2. Tuckahoe. Lycoperdon tuber.
Jerusalem artichoke. Helianthus tuberosus.
Long potatoes. Convolvulas batatas.
Granadillas. Maycocks. Maracocks. Passiflora incarnata.
Panic. Panicum of many species.
Indian millet. Holcus laxus.
Holcus strictus.
Wild oat. Zizania aquatica.
Wild pea. Dolichos of Clayton.
Lupine. Lupinus perennis.
Wild hop. Humulus lupulus.
Wild cherry. Prunus Virginiana.
Cherokee plumb. Prunus sylvestris fructu majori. } Clayton.
Wild plumb. Prunus sylvestris fructu minori. } Clayton.
Wild crab-apple. Pyrus coronaria.
Red mulberry. Morus rubra.
Persimmon. Diospyros Virginiana.
Sugar maple. Acer saccharinum.
Scaly bark hiccory. Juglans alba cortice squamoso. Clayton.
Common hiccory. Juglans alba, fructu minore rancido. Clayton.

Paccan,

Paccan, or Illinois nut. Not deſcribed by Linnæus, Millar, or Clayton. Were I to venture to deſcribe this, ſpeaking of the fruit from memory, and of the leaf from plants of two years growth, I ſhould ſpecify it as the Juglans alba, foliolis lanceolatis, acuminatis, ſerratis, tomentoſis, fructu minore, ovato, compreſſo, vix inſculpto, dulci, putamine, tenerrimo. It grows on the Illinois, Wabaſh, Ohio, and Miſſiſipi. It is ſpoken of by Don Ulloa under the name of Pacanos, in his Noticias Americanas. Entret. 6.

Black walnut. Juglans nigra.

White walnut. Juglans alba.

Cheſnut. Fagus caſtanea.

Chinquapin. Fagus pumila.

Hazlenut. Corylus avellana.

Grapes. Vitis. Various kinds, though only three deſcribed by Clayton.

Scarlet Strawberries. Fragaria Virginiana of Millar.

Whortleberries. Vaccinium uliginoſum?

Wild gooſeberries. Ribes groſſularia.

Cranberries. Vaccinium oxycoccos.

Black raſpberries. Rubus occidentalis.

Blackberries. Rubus fruticoſus.

Dewberries. Rubus cæſius.

Cloud-berries. Rubus chamæmorus.

3. Plane-

3. Plane-tree. Platanus occidentalis.
Poplar. Liriodendron tulipifera.
Populus heterophylla.
Black poplar. Populus nigra.
Aſpen. Populus tremula.
Linden, or lime. Tilia Americana.
Red flowering maple. Acer rubrum.
Horſe-cheſnut, or Buck's-eye. Æſculus pavia.
Catalpa. Bignonia catalpa.
Umbrella. Magnolia tripetala.
Swamp laurel. Magnolia glauca.
Cucumber-tree. Magnolia acuminata.
Portugal bay. Laurus indica.
Red bay. Laurus borbonia.
Dwarf-roſe bay. Rhododendron maximum.
Laurel of the weſtern country. Qu. ſpecies?
Wild pimento. Laurus benzoin.
Saſſafras. Laurus ſaſſafras.
Locuſt. Robinia pſeudo-acacia.
Honey-locuſt. Gleditſia. 1. 6.
Dogwood. Cornus florida.
Fringe or ſnow-drop tree. Chionanthus Virginica.
Barberry. Berberis vulgaris.
Redbud, or Judas-tree. Cercis Canadenſis.
Holly. Ilex aquifolium.
Cockſpur hawthorn. Cratægus coccinea.
Spindle-tree. Euonymus Europæus.

Evergreen

Evergreen ſpindle-tree. Euonymus Americanus.
Itea Virginica.
Elder. Sambucus nigra.
Papaw. Annona triloba.
Candleberry myrtle. Myrica cerifera.
Dwarf-laurel. Kalmia anguſtifolia. Kalmia latifolia } called ivy with us.
Ivy. Hedera quinquefolia.
Trumpet honeyſuckle. Lonicera ſempervirens.
Upright honeyſuckle. Azalea nudiflora.
Yellow jaſmine. Bignonia ſempervirens.
Calycanthus floridus.
American aloe. Agave Virginica.
Sumach. Rhus. Qu. ſpecies?
Poke. Phytolacca decandra.
Long moſs. Tillandſia Uſneoides.

4. Reed. Arundo phragmitis.
Virginia hemp. Acnida cannabina.
Flax. Linum Virginianum.
Black, or pitch-pine. Pinus tæda.
White pine. Pinus ſtrobus.
Yellow pine. Pinus Virginica.
Spruce pine. Pinus foliis ſingularibus. Clayton.
Hemlock ſpruce fir. Pinus Canadenſis.
Arbor vitæ. Thuya occidentalis.

Juniper.

Juniper. Juniperus virginica (called cedar with us).

Cypreſs. Cupreſſus diſticha.

White cedar. Cupreſſus Thyoides.

Black oak. Quercus nigra.

White oak. Quercus alba.

Red oak. Quercus rubra.

Willow oak. Quercus phellos.

Cheſnut oak. Quercus prinus.

Black jack oak. Quercus aquatica. Clayton. Query?

Ground oak. Quercus pumila. Clayton.

Live oak. Quercus Virginiana. Millar.

Black Birch. Betula nigra.

White birch. Betula alba.

Beach. Fagus ſylvatica.

Aſh. Fraxinus Americana.

Fraxinus Novæ Angliæ. Millar.

Elm. Ulmus Americana.

Willow. Salix. Query ſpecies?

Sweet Gum. Liquidambar ſtyraciflua.

The following were found in Virginia when firſt viſited by the Engliſh; but it is not ſaid whether of ſpontaneous growth, or by cultivation only. Moſt probably they were natives of more ſouthern climates, and handed along the continent from one nation to another of the ſavages.

Tobacco. Nicotiana.

Maize. Zea mays.

Round

Round potatoes. Solanum tuberoſum.

Pumpkins. Cucurbita pepo.

Cymlings. Cucurbita verrucoſa.

Squaſhes. Cucurbita melopepo.

There is an infinitude of other plants and flowers, for an enumeration and ſcientific deſcription of which I muſt refer to the Flora Virginica of our great botaniſt Dr. Clayton, publiſhed by Gronovius at Leyden, in 1762. This accurate obſerver was a native and reſident of this ſtate, paſſed a long life in exploring and deſcribing its plants, and is ſuppoſed to have enlarged the botanical catalogue as much as almoſt any man who has lived.

Beſides theſe plants, which are native, our *Farms* produce wheat, rye, barley, oats, buck wheat, broom corn, and Indian corn. The climate ſuits rice well enough wherever the lands do. Tobacco, hemp, flax, and cotton, are ſtaple commodities. Indico yields two cuttings. The ſilk-worm is a native, and the mulberry, proper for its food, grows kindly.

We cultivate alſo potatoes, both the long and the round, turnips, carrots, parſneps, pumpkins, and ground nuts (Arachis.) Our graſſes are Lucerne, St. Foin, Burnet, Timothy, ray and orchard graſs; red, white, and yellow clover; greenſwerd, blue graſs, and crab graſs.

The

The *gardens* yield muſk melons, water melons, tomatas, okra, pomegranates, figs, and the eſculent plants of Europe.

The *orchards* produce apples, pears, cherries, quinces, peaches, nectarines, apricots, almonds, and plumbs.

Animals. Our quadrupeds have been moſtly deſcribed by Linnæus and Monſ. de Buffon. Of theſe the Mammoth, or big buffalo, as called by the Indians, muſt certainly have been the largeſt. Their tradition is, that he was carnivorous, and ſtill exiſts in the northern parts of America. A delegation of warriors from the Delaware tribe having viſited the governor of Virginia, during the preſent revolution, on matters of buſineſs, after theſe had been diſcuſſed and ſettled in council, the governor aſked them ſome queſtions relative to their country, and, among others, what they knew or had heard of the animal whoſe bones were found at the Saltlicks, on the Ohio. Their chief ſpeaker immediately put himſelf into an attitude of oratory, and with a pomp ſuited to what he conceived the elevation of his ſubject, informed him that it was a tradition handed down from their fathers, 'That 'in antient times a herd of theſe tremendous 'animals came to the Big-bone licks, and 'began an univerſal deſtruction of the bear, 'deer, elks, buffaloes, and other animals, which

'which had been created for the uſe of the 'Indians: that the Great Man above, looking 'down and ſeeing this, was ſo enraged that 'he ſeized his lightning, deſcended on the 'earth, ſeated himſelf on a neighbouring 'mountain, on a rock, of which his ſeat and 'the print of his feet are ſtill to be ſeen, 'and hurled his bolts among them till the 'whole were ſlaughtered, except the big 'bull, who preſenting his forehead to the 'ſhafts, ſhook them off as they fell; but 'miſſing one at length, it wounded him in 'the ſide; whereon, ſpringing round, he 'bounded over the Ohio, over the Wabaſh, 'the Illinois, and finally over the great lakes, 'where he is living at this day.' It is well known that on the Ohio, and in many parts of America further north, tuſks, grinders, and ſkeletons of unparalleled magnitude, are found in great numbers, ſome lying on the ſurface of the earth, and ſome a little below it. A Mr. Stanley, taken priſoner by the Indians near the mouth of the Taniſſee, relates, that, after being transferred through ſeveral tribes, from one to another, he was at length carried over the mountains weſt of the Miſſouri to a river which runs weſtwardly; that theſe bones abounded there; and that the natives deſcribed to him the animal to which they belonged as ſtill exiſting in the

northern parts of their country; from which deſcription he judged it to be an elephant. Bones of the ſame kind have been lately found, ſome feet below the ſurface of the earth, in ſalines opened on the North Holſton, a branch of the Taniſſee, about the latitude of $36\frac{1}{2}°$. North. From the accounts publiſhed in Europe, I ſuppoſe it to be decided, that theſe are of the ſame kind with thoſe found in Siberia. Inſtances are mentioned of like animal remains found in the more ſouthern climates of both hemiſpheres; but they are either ſo looſely mentioned as to leave a doubt of the fact, ſo inaccurately deſcribed as not to authorize the claſſing them with the great northern bones, or ſo rare as to found a ſuſpicion that they have been carried thither as curioſities from more northern regions. So that on the whole there ſeem to be no certain veſtiges of the exiſtence of this animal further ſouth than the ſalines laſt mentioned. It is remarkable that the tuſks and ſkeletons have been aſcribed by the naturaliſts of Europe to the elephant, while the grinders have been given to the hippopotamus, or river-horſe. Yet it is acknowledged, that the tuſks and ſkeletons are much larger than thoſe of the elephant, and the grinders many times greater than thoſe of the hippopotamus, and eſſentially different in form. Wherever theſe grinders are found, there alſo we find

the tuſks and ſkeleton; but no ſkeleton of the hippopotamus nor grinders of the elephant. It will not be ſaid that the hippopotamus and elephant came always to the ſame ſpot, the former to depoſit his grinders, and the latter his tuſks and ſkeleton. For what became of the parts not depoſited there? We muſt agree then that theſe remains belong to each other, that they are of one and the ſame animal, that this was not a hippopotamus, becauſe the hippopotamus had no tuſks nor ſuch a frame, and becauſe the grinders differ in their ſize as well as in the number and form of their points. That it was not an elephant, I think aſcertained by proofs equally deciſive. I will not avail myſelf of the authority of the celebrated * anatomiſt, who, from an examination of the form and ſtructure of the tuſks, has declared they were eſſentially different from thoſe of the elephant; becauſe another † anatomiſt, equally celebrated, has declared, on a like examination, that they are preciſely the ſame. Between two ſuch authorities I will ſuppoſe this circumſtance equivocal. But, 1. The ſkeleton of the mammoth (for ſo the incognitum has been called) beſpeaks an animal of five or ſix times the cubic volume of the elephant, as Monſ. de Buffon has admitted. 2. The grinders are five times as

* Hunter. † D'Aubenton.

large, are square, and the grinding surface studded with four or five rows of blunt points: whereas those of the elephant are broad and thin, and their grinding surface flat. 3. I have never heard an instance, and suppose there has been none, of the grinder of an elephant being found in America. 4. From the known temperature and constitution of the elephant he could never have existed in those regions where the remains of the mammoth have been found. The elephant is a native only of the torrid zone and its vicinities: if, with the assistance of warm apartments and warm clothing, he has been preserved in life in the temperate climates of Europe, it has only been for a small portion of what would have been his natural period, and no instance of his multiplication in them has ever been known. But no bones of the mammoth, as I have before observed, have been ever found further south than the salines of the Holston, and they have been found as far north as the Arctic circle. Those, therefore, who are of opinion that the elephant and mammoth are the same, must believe, 1. That the elephant known to us can exist and multiply in the frozen zone; or, 2. That an internal fire may once have warmed those regions, and since abandoned them, of which, however, the globe exhibits no unequivocal indications; or,

3. That

3. That the obliquity of the ecliptic, when these elephants lived, was so great as to include within the tropics all those regions in which the bones are found; the tropics being, as is before observed, the natural limits of habitation for the elephant. But if it be admitted that this obliquity has really decreased, and we adopt the highest rate of decrease yet pretended, that is, of one minute in a century, to transfer the northern tropic to the Arctic circle, would carry the existence of these supposed elephants 250,000 years back; a period far beyond our conception of the duration of animal bones left exposed to the open air, as these are in many instances. Besides, though these regions would then be supposed within the tropics, yet their winters would have been too severe for the sensibility of the elephant. They would have had too but one day and one night in the year, a circumstance to which we have no reason to suppose the nature of the elephant fitted. However, it has been demonstrated, that, if a variation of obliquity in the ecliptic takes place at all, it is vibratory, and never exceeds the limits of 9 degrees, which is not sufficient to bring these bones within the tropics. One of these hypotheses, or some other equally voluntary and inadmissible to cautious philosophy, must be adopted to sup-

port the opinion that these are the bones of the elephant. For my own part, I find it easier to believe that an animal may have existed, resembling the elephant in his tusks, and general anatomy, while his nature was in other respects extremely different. From the 30th degree of South latitude to the 30th of North, are nearly the limits which nature has fixed for the existence and multiplication of the elephant known to us. Proceeding thence northwardly to 36½ degrees, we enter those assigned to the mammoth. The further we advance North, the more their vestiges multiply as far as the earth has been explored in that direction; and it is as probable as otherwise, that this progression continues to the pole itself, if land extends so far. The center of the Frozen zone then may be the Achmé of their vigour, as that of the Torrid is of the elephant. Thus nature seems to have drawn a belt of separation between these two tremendous animals, whose breadth indeed is not precisely known, though at present we may suppose it about 6½ degrees of latitude; to have assigned to the elephant the regions South of these confines, and those North to the mammoth, founding the constitution of the one in her extreme of heat, and that of the other in the extreme of cold. When the Creator has therefore separated

their

their nature as far as the extent of the ſcale of animal life allowed to this planet would permit, it ſeems perverſe to declare it the ſame, from a partial reſemblance of their tuſks and bones. But to whatever animal we aſcribe theſe remains, it is certain ſuch a one has exiſted in America, and that it has been the largeſt of all terreſtrial beings. It ſhould have ſufficed to have reſcued the earth it inhabited, and the atmoſphere it breathed, from the imputation of impotence in the conception and nouriſhment of animal life on a large ſcale: to have ſtifled, in its birth, the opinion of a writer, the moſt learned too of all others in the ſcience of animal hiſtory, that in the new world, 'La nature vivante 'eſt beaucoup moins agiſſante, beaucoup 'moins forte:' that nature is leſs active, leſs energetic on one ſide of the globe than ſhe is on the other. As if both ſides were not warmed by the ſame genial ſun; as if a ſoil of the ſame chemical compoſition, was leſs capable of elaboration into animal nutriment; as if the fruits and grains from that ſoil and ſun, yielded a leſs rich chyle, gave leſs extenſion to the ſolids and fluids of the body, or produced ſooner in the cartilages, membranes, and fibres, that rigidity which reſtrains all further extenſion, and terminates animal growth. The truth is, that a Pigmy

Buffon. xviii. 122. ed. Paris. 1764.

and a Patagonian, a Mouſe and a Mammoth, derive their dimenſions from the ſame nutritive juices. The difference of increment depends on circumſtances unſearchable to beings with our capacities. Every race of animals ſeems to have received from their Maker certain laws of extenſion at the time of their formation. Their elaborative organs were formed to produce this, while proper obſtacles were oppoſed to its further progreſs. Below theſe limits they cannot fall, nor riſe above them. What intermediate ſtation they ſhall take may depend on ſoil, on climate, on food, on a careful choice of breeders. But all the manna of heaven would never raiſe the Mouſe to the bulk of the Mammoth.

xviii. 100—156. The opinion advanced by the Count de Buffon, is 1. That the animals common both to the old and new world, are ſmaller in the latter. 2. That thoſe peculiar to the new, are on a ſmaller ſcale. 3. That thoſe which have been domeſticated in both, have degenerated in America: and 4. That on the whole it exhibits fewer ſpecies. And the reaſon he thinks is, that the heats of America are leſs; that more waters are ſpread over its ſurface by nature, and fewer of theſe drained off by the hand of man. In other words, that *heat* is friendly, and *moiſture* adverſe

adverſe to the production and developement of large quadrupeds. I will not meet this hypotheſis on its firſt doubtful ground, whether the climate of America be comparatively more humid? Becauſe we are not furniſhed with obſervations ſufficient to decide this queſtion. And though, till it be decided, we are as free to deny, as others are to affirm the fact, yet for a moment let it be ſuppoſed. The hypotheſis, after this ſuppoſition, proceeds to another; that *moiſture* is unfriendly to animal growth. The truth of this is inſcrutable to us by reaſonings a priori. Nature has hidden from us her modus agendi. Our only appeal on ſuch queſtions is to experience; and I think that experience is againſt the ſuppoſition. It is by the aſſiſtance of *heat* and *moiſture* that vegetables are elaborated from the elements of earth, air, water, and fire. We accordingly ſee the more humid climates produce the greater quantity of vegetables. Vegetables are mediately or immediately the food of every animal: and in proportion to the quantity of food, we ſee animals not only multiplied in their numbers, but improved in their bulk, as far as the laws of their nature will admit. Of this opinion is the Count de Buffon himſelf in another part of his work: 'en general il paroit que les pays un peu *froids* conviennent mieux à nos boeufs que viii. 134.

les

les pays chauds, et qu'ils ſont d'autant plus gros et plus grands que le climat eſt plus *humide* et plus abondans en paturages. Les boeufs de Danemarck, de la Podolie, de l'Ukraine et de la Tartarie qu'habitent les Calmouques ſont les plus grands de tous.' Here then a race of animals, and one of the largeſt too, has been increaſed in its dimenſions by *cold* and *moiſture*, in direct oppoſition to the hypotheſis, which ſuppoſes that theſe two circumſtances diminiſh animal bulk, and that it is their contraries *heat* and *dryneſs* which enlarge it. But when we appeal to experience, we are not to reſt ſatisfied with a ſingle fact. Let us therefore try our queſtion on more general ground. Let us take two portions of the earth, Europe and America for inſtance, ſufficiently extenſive to give operation to general cauſes; let us conſider the circumſtances peculiar to each, and obſerve their effect on animal nature. America, running through the torrid as well as temperate zone, has more *heat*, collectively taken, than Europe. But Europe, according to our hypotheſis, is the *dryeſt*. They are equally adapted then to animal productions; each being endowed with one of thoſe cauſes which befriend animal growth, and with one which oppoſes it. If it be thought unequal to compare Europe with

with America, which is so much larger, I answer, not more so than to compare America with the whole world. Besides, the purpose of the comparison is to try an hypothesis, which makes the size of animals depend on the *heat* and *moisture* of climate. If therefore we take a region, so extensive as to comprehend a sensible distinction of climate, and so extensive too as that local accidents, or the intercourse of animals on its borders, may not materially affect the size of those in its interior parts, we shall comply with those conditions which the hypothesis may reasonably demand. The objection would be the weaker in the present case, because any intercourse of animals which may take place on the confines of Europe and Asia, is to the advantage of the former, Asia producing certainly larger animals than Europe. Let us then take a comparative view of the Quadrupeds of Europe and America, presenting them to the eye in three different tables, in one of which shall be enumerated those found in both countries; in a second those found in one only; in a third those which have been domesticated in both. To facilitate the comparison, let those of each table be arranged in gradation according to their sizes, from the greatest to the smallest, so far as their sizes can be conjectured. The

weights

weights of the large animals ſhall be expreſſed in the Engliſh avoirdupoiſe pound and its decimals: thoſe of the ſmaller in the ounce and its decimals. Thoſe which are marked thus *, are actual weights of particular ſubjects, deemed among the largeſt of their ſpecies. Thoſe marked thus †, are furniſhed by judicious perſons, well acquainted with the ſpecies, and ſaying, from conjecture only, what the largeſt individual they had ſeen would probably have weighed. The other weights are taken from Meſſrs. Buffon and D'Aubenton, and are of ſuch ſubjects as came caſually to their hands for diſſection. This circumſtance muſt be remembered where their weights and mine ſtand oppoſed: the latter being ſtated, not to produce a concluſion in favour of the American ſpecies, but to juſtify a ſuſpenſion of opinion until we are better informed, and a ſuſpicion in the mean time that there is no uniform difference in favour of either; which is all I pretend.

Lewis Madison II 83.

A com-

A comparative View of the Quadrupeds of Europe and of America.

I. *Aboriginals of both.*

	Europe.	America.
	lb.	lb.
Mammoth		
Buffalo. Biſon		*1800
White bear. Ours blanc		
Caribou. Renne		
Bear. Ours	153.7	*410
Elk. Elan. Orignal, palmated		
Red deer. Cerf	288.8	*273
Fallow deer. Daim	167.8	
Wolf. Loup	69.8	
Roe. Chevreuil	56.7	
Glutton. Glouton. Carcajou		
Wild cat. Chat ſauvage		†30
Lynx. Loup cervier	25.	
Beaver. Caſtor	18.5	*45
Badger. Blaireau	13.6	
Red Fox. Renard	13.5	
Grey Fox. Iſatis		
Otter. Loutre	8.9	†12
Monax. Marmotte	6.5	
Viſon. Fouine	2.8	
Hedgehog. Heriſſon	2.2	
Martin. Marte	1.9	†6
	oz.	
Water rat. Rat d'eau	7.5	
Weſel. Belette	2.2	oz.
Flying ſquirrel. Polatouche	2.2	†4
Shrew mouſe. Muſaraigne	1.	

II. *Abori-*

II. *Aboriginals of one only.*

EUROPE.	lb.	AMERICA.	lb.
Sanglier. Wild boar	280.	Tapir	534.
Mouflon. Wild ſheep	56.	Elk, round horned	†450.
Bouquetin. Wild goat		Puma	
Lievre. Hare	7.6	Jaguar	218.
Lapin. Rabbet	3.4	Cabiai	109.
Putois. Polecat	3.3	Tamanoir	109.
Genette	3.1	Tamandua	65.4
Deſman. Muſkrat	oz.	Cougar of N. Amer.	75.
Ecureuil. Squirrel	12.	Cougar of S. Amer.	59.4
Hermine. Ermin	8.2	Ocelot	
Rat. Rat	7.5	Pecari	46.3
Loirs	3.1	Jaguaret	43.6
Lerot. Dormouſe	1.8	Alco	
Taupe. Mole	1.2	Lama	
Hamſter	.9	Paco	
Ziſel		Paca	32.7
Leming		Serval	
Souris. Mouſe	.6	Sloth. Unau	27¼
		Saricovienne	
		Kincajou	
		Tatou Kabaſſou	21.8
		Urſon. Urchin	
		Raccoon. Raton	16.5
		Coati	
		Coendou	16.3
		Sloth. Aï	13.
		Sapajou Ouarini	
		Sapajou Coaita	9.8
		Tatou Encubert	
		Tatou Apar	
		Tatou Cachica	7.
		Little Coendou	6.5
		Opoſſum. Sarigue	

II. TABLE continued.

EUROPE.	AMERICA.	
		lb.
	Tapeti	
	Margay	
	Crabier	
	Agouti	4.2
	Sapajou Saï	3.5
	Tatou Cirquinçon	
	Tatou Tatouate	3.3
	Mouffette Squaſh	
	Mouffette Chinche	
	Mouffette Conepate. Scunk	
	Mouffette. Zorilla	
	Whabus. Hare. Rabbet	
	Aperea	
	Akouchi	
	Ondatra. Muſkrat	
	Pilori	
	Great grey ſquirrel	†2.7
	Fox ſquirrel of Virginia	†2.625
	Surikate	2.
	Mink	†2.
	Sapajou. Sajou	1.8
	Indian pig. Cochon d'Inde	1.6
	Sapajou. Saïmiri	1.5
	Phalanger	
	Coquallin	
	Leſſer grey ſquirrel	†1.5
	Black ſquirrel	†1.5
	Red ſquirrel	10. oz.
	Sagoin Saki	

II. TABLE continued.

EUROPE.	AMERICA.	
	Sagoin Pinche	
	Sagoin Tamarin	oz.
	Sagoin Ouiſtiti	4.4
	Sagoin Marikine	
	Sagoin Mico	
	Cayopollin	
	Fourmillier	
	Marmoſe	
	Sarigue of Cayenne	
	Tucan	
	Red mole	oz.
	Ground ſquirrel	4.

III. *Domeſticated in both.*

	Europe.	America.
	lb.	lb.
Cow	763.	*2500
Horſe		*1366
Aſs		
Hog		*1200
Sheep		*125
Goat		*80
Dog	67.6	
Cat	7.	

I have

I have not inſerted in the firſt table the * Phoca nor leather-winged bat, becauſe the one living half the year in the water, and the other being a winged animal, the individuals of each ſpecies may viſit both continents.

Of the animals in the Iſt table Monſ. de Buffon himſelf informs us, [XXVII. 130. XXX. 213.] that the beaver, the otter, and ſhrew mouſe, though of the ſame ſpecies, are larger in America than Europe. This ſhould therefore have corrected the gerality of his expreſſions XVIII. 145. and elſewhere, that the animals common to the two countries, are conſiderably leſs in America than in Europe, '& cela ſans aucune exception.' He tells us too, [Quadrup. VIII. 334. edit. Paris, 1777] that on examining a bear from America, he remarked no difference, 'dans *la forme* de cet ours d'Amerique comparé a celui d'Europe.' But adds from Bartram's journal, that an American bear weighed 400 lb. Engliſh, equal

* It is ſaid, that this animal is ſeldom ſeen above 30 miles from ſhore, or beyond the 56th degree of latitude. The interjacent iſlands between Aſia and America admit his paſſing from one continent to the other without exceeding theſe bounds. And, in fact, travellers tell us that theſe iſlands are places of principal reſort for them, and eſpecially in the ſeaſon of bringing forth their young.

to 367 lb. French: whereas we find the European bear examined by Monſ. D'Aubenton, [XVII. 82.] weighed but 141 lb. French. That the palmated Elk is larger in America than Europe we are informed by Kalm, a Naturaliſt who viſited the former by public appointment for the expreſs purpoſe of examining the ſubjects of Natural hiſtory. In this fact Pennant concurs with him. [Barrington's Miſcellanies.] The ſame Kalm tells us that the Black Mooſe, or Renne of America, is as high as a tall horſe; and Cateſby, that it is about the bigneſs of a middle ſized ox. The ſame account of their ſize has been given me by many who have ſeen them. But Monſ. D'Aubenton ſays that the Renne of Europe is but about the ſize of a Red-deer. The weſel is larger in America than in Europe, as may be ſeen by comparing its dimenſions as reported by Monſ. D'Aubenton and Kalm. The latter tells us, that the lynx badger, red fox, and flying ſquirrel, are the *ſame* in America as in Europe: by which expreſſion I underſtand, they are the ſame in all material circumſtances, in ſize as well as others: for if they were ſmaller, they would differ from the European. Our grey fox is, by Cateſby's account, little different in ſize and ſhape from the European fox. I preſume he means the red fox of Europe,

I. 233. Lond. 1772.

Ib. 233.

I. xxvii.

XXIV. 162.

XV. 42.

I. 359. I. 48. 221. 251. II. 52.

II. 78.

as

as does Kalm, where he ſays, that in ſize 'they do not quite come up to our foxes.' For proceeding next to the red fox of America, he ſays 'they are entirely the ſame with the European ſort.' Which ſhews he had in view one European ſort only, which was the red. So that the reſult of their teſtimony is, that the American grey fox is ſomewhat leſs than the European red; which is equally true of the grey fox of Europe, as may be ſeen by comparing the meaſures of the Count de Buffon and Monſ. D'Aubenton. The white bear of America is as large as that of Europe. The bones of the Mammoth which have been found in America, are as large as thoſe found in the old world. It may be aſked, why I inſert the Mammoth, as if it ſtill exiſted? I aſk in return, why I ſhould omit it, as if it did not exiſt? Such is the œconomy of nature, that no inſtance can be produced of her having permitted any one race of her animals to become extinct; of her having formed any link in her great work ſo weak as to be broken. To add to this, the traditionary teſtimony of the Indians, that this animal ſtill exiſts in the northern and weſtern parts of America, would be adding the light of a taper to that of the meridian ſun. Thoſe parts ſtill remain in their aboriginal ſtate, unexplored and undiſ-

I. 220. XXVII. 63. XIV. 119. Harris, II. 387. Buffon. Quad. IX. 1.

turbed by us, or by others for us, He may as well exiſt there now, as he did formerly where we find his bones. If he be a carnivorous animal, as ſome Anatomiſts have conjectured, and the Indians affirm, his early retirement may be accounted for from the general deſtruction of the wild game by the Indians, which commences in the firſt inſtant of their connection with us, for the purpoſe of purchaſing matchcoats, hatchets, and fire locks, with their ſkins. There remain then the buffalo, red deer, fallow deer, wolf, roe, glutton, wild cat, monax, viſon, hedge-hog, martin, and water rat, of the comparative ſizes of which we have not ſufficient teſtimony. It does not appear that Meſſrs. de Buffon and D'Aubenton have meaſured, weighed, or ſeen thoſe of America. It is ſaid of ſome of them, by ſome travellers, that they are ſmaller than the European. But who were theſe travellers? Have they not been men of a very different deſcription from thoſe who have laid open to us the other three quarters of the world? Was natural hiſtory the object of their travels? Did they meaſure or weigh the animals they ſpeak of? or did they not judge of them by ſight, or perhaps even from report only? Were they are acquainted with the animals of their own country, with which they undertake to compare

compare them? Have they not been ſo ignorant as often to miſtake the ſpecies? A true anſwer to theſe queſtions would probably lighten their authority, ſo as to render it inſufficient for the foundation of an hypotheſis. How unripe we yet are, for an accurate compariſon of the animals of the two countries, will appear from the work of Monſ. de Buffon. The ideas we ſhould have formed of the ſizes of ſome animals, from the information he had received at his firſt publications concerning them, are very different from what his ſubſequent communications give us. And indeed his candour in this can never be too much praiſed. One ſentence of his book muſt do him immortal honour. 'J'aime autant une perſonne qui me releve 'd'une erreur, qu'une autre qui m'apprend 'une verité, parce qu'en effet une erreur 'corrigée eſt une verité.' He ſeems to have thought the Cabiai he firſt examined wanted little of its full growth. 'Il n'etoit pas encore 'tout-a-fait adulte.' Yet he weighed but 46½ lb. and he found afterwards, that theſe animals, when full grown, weigh 100 lb. He had ſuppoſed, from the examination of a jaguar, ſaid to be two years old, which weighed but 16 lb. 12 oz. that, when he ſhould have acquired his full growth, he would not be larger than a middle ſized dog.

Quad. IX. 158. XXV. 184. Quad. IX. 132. XIX. 2.

Quad. IX. 41. But a ſubſequent account raiſes his weight to 200 lb. Further information will, doubtleſs, produce further corrections. The wonder is, not that there is yet ſomething in this great work to correct, but that there is ſo little. The reſult of this view then is, that of 26 quadrupeds common to both countries, 7 are ſaid to be larger in America, 7 of equal ſize, and 12 not ſufficiently examined. So that the firſt table impeaches the firſt member of the aſſertion, that of the animals common to both countries, the American are ſmalleſt, 'et cela ſans aucune exception.' It ſhews it not juſt, in all the latitude in which its author has advanced it, and probably not to ſuch a degree as to found a diſtinction between the two countries.

Proceeding to the ſecond table, which arranges the animals found in one of the two countries only, Monſ. de Buffon obſerves, that the tapir, the elephant of America, is but of the ſize of a ſmall cow. To preſerve our compariſon, I will add that the wild boar, the elephant of Europe, is little more than half that ſize. I have made an elk with round or cylindrical horns, an animal of America, and peculiar to it; becauſe I have ſeen many of them myſelf, and more of their horns; and becauſe I can ſay, from the beſt information, that, in Virgina, this kind of elk has abounded much, and ſtill exiſts

exiſts in ſmaller numbers; and I could never learn that the palmated kind had been ſeen here at all. I ſuppoſe this confined to the more Northern latitudes*. I have made our hare

* The deſcriptions of Theodat, Denys and La Hontan, cited by Monſ. de Buffon under the article Elan, authorize the ſuppoſition, that the flat-horned elk is found in the northern parts of America. It has not however extended to our latitudes. On the other hand, I could never learn that the round-horned elk has been ſeen further North than the Hudſon's river. This agrees with the former elk in its general character, being, like that, when compared with a deer, very much larger, its ears longer, broader, and thicker in proportion, its hair much longer, neck and tail ſhorter, having a dewlap before the breaſt (caruncula gutturalis Linnæi) a white ſpot often, if not always, of a foot diameter, on the hinder part of the buttocks round the tail; its gait a trot, and attended with a rattling of the hoofs: but diſtinguiſhed from that deciſively by its horns, which are not palmated, but round and pointed. This is the animal deſcribed by Cateſby as the Cervus major Americanus, the Stag of America, le Cerf de l'Amerique. But it differs from the Cervus as totally, as does the palmated elk from the dama. And in fact it ſeems to ſtand in the ſame relation to the palmated elk, as the red deer does to the fallow. It has abounded in Virginia, has been ſeen, within my knowledge, on the Eaſtern ſide of the Blue ridge ſince the year 1765, is now common beyond thoſe mountains, has been often brought to us and tamed, and their horns are in the hands of many. I ſhould deſignate it as the 'Alces Americanus cornibus tereti-

 'bus.'

hare or rabbet peculiar, believing it to b different from both the European animals or thoſe denominations, and calling it therefore by its Algonquin name Whabus, to keep it diſtinct from theſe. Kalm is of the ſame opinion. I have enumerated the ſquirrels

Kalm II. 340. I. 82.

'bus.' It were to be wiſhed, that Naturaliſts, who are acquainted with the renne and elk of Europe, and who may hereafter viſit the northern parts of America, would examine well the animals called there by the names of grey and black mooſe, caribou, orignal, and elk. Monſ. de Buffon has done what could be done from the materials in his hands, towards clearing up the confuſion introduced by the looſe application of theſe names among the animals they are meant to deſignate. He reduces the whole to the renne and flat-horned elk. From all the information I have been able to collect, I ſtrongly ſuſpect they will be found to cover three, if not four diſtinct ſpecies of animals. I have ſeen ſkins of a mooſe, and of the caribou: they differ more from each other, and from that of the round-horned elk, than I ever ſaw two ſkins differ which belonged to different individuals of any wild ſpecies. Theſe differences are in the colour, length, and coarſeneſs of the hair, and in the ſize, texture, and marks of the ſkin. Perhaps it will be found that there is, 1. the mooſe, black and grey, the former being ſaid to be the male, and the latter the female. 2. The caribou or renne. 3. The flat-horned elk, or orignal. 4. The round-horned elk. Should this laſt, though poſſeſſing ſo nearly the characters of the elk, be found to be the ſame with the Cerf d'Ardennes or Brandhirtz of Germany, ſtill there will remain the three ſpecies firſt enumerated.

according

according to our own knowledge, derived from daily ſight of them, becauſe I am not able to reconcile with that the European appellations and deſcriptions. I have heard of other ſpecies, but they have never come within my own notice. Theſe, I think, are the only inſtances in which I have departed from the authority of Monſ. de Buffon in the conſtruction of this table. I take him for my ground work, becauſe I think him the beſt informed of any Naturaliſt who has ever written. The reſult is, that there are 18 quadrupeds peculiar to Europe; more than four times as many, to wit 74, peculiar to America; that the *firſt of theſe 74 weighs more than the whole column of Europeans; and conſequently this ſecond table diſproves the ſecond member of the aſſertion, that the

* The Tapir is the largeſt of the animals peculiar to America. I collect his weight thus. Monſ. de Buffon ſays, XXIII. 274. that he is of the ſize of a Zebu, or a ſmall cow. He gives us the meaſures of of a Zebu, ib. 94. as taken by himſelf, viz. 5 feet 7 inches from the muzzle to the root of the tail, and 5 feet 1 inch circumference behind the fore legs. A bull, meaſuring in the ſame way 6 feet 9 inches and 5 feet 2 inches, weighed 600lb. VIII. 153. The Zebu then, and of courſe the Tapir, would weigh about 500 lb. But one individual of every ſpecies of European peculiars would probably weigh leſs than 400 lb. Theſe are French meaſures and weights.

animals

animals peculiar to the new world are on a ſmaller ſcale, ſo far as that aſſertion relied on European animals for ſupport: and it is in full oppoſition to the theory which makes the animal volume to depend on the circumſtances of *heat* and *moiſture*.

The IIId. table comprehends thoſe quadrupeds only which are domeſtic in both countries. That ſome of theſe, in ſome parts of America, have become leſs than their original ſtock, is doubtleſs true; and the reaſon is very obvious. In a thinly peopled country, the ſpontaneous productions of the foreſts and waſte fields are ſufficient to ſupport indifferently the domeſtic animals of the farmer, with a very little aid from him in the ſevereſt and ſcarceſt ſeaſon. He therefore finds it more convenient to receive them from the hand of nature in that indifferent ſtate, than to keep up their ſize by a care and nouriſhment which would coſt him much labour. If, on this low fare, theſe animals dwindle, it is no more than they do in thoſe parts of Europe where the poverty of the ſoil, or poverty of the owner, reduces them to the ſame ſcanty ſubſiſtance. It is the uniform effect of one and the ſame cauſe, whether acting on this or that ſide of the globe. It would be erring therefore againſt that rule of philoſophy, which teaches us to aſcribe like

like effects to like cauſes, ſhould we impute this diminution of ſize in America to any imbecility or want of uniformity in the operations of nature. It may be affirmed with truth that, in thoſe countries, and with thoſe individuals of America, where neceſſity or curioſity has produced equal attention as in Europe to the nouriſhment of animals, the horſes, cattle, ſheep, and hogs of the one continent are as large as thoſe of the other. There are particular inſtances, well atteſted, where individuals of this country have imported good breeders from England, and have improved their ſize by care in the courſe of ſome years. To make a fair compariſon between the two countries, it will not anſwer to bring together animals of what might be deemed the middle or ordinary ſize of their ſpecies; becauſe an error in judging of that middle or ordinary ſize would vary the reſult of the compariſon. Thus Monſieur D'Aubenton conſiders a horſe of 4 feet 5 inches high and 400 lb. weight French, equal to 4 feet 8.6 inches and 436 lb. Engliſh, as a middle ſized horſe. Such a one is deemed a ſmall horſe in America. The extremes muſt therefore be reſorted to. The ſame anatomiſt diſſected a horſe of 5 feet 9 inches height, French meaſure, equal to 6 feet 1.7 Engliſh. This is near 6 inches higher than any horſe

VII. 432.

VII. 474.

I have

I have ſeen: and could it be ſuppoſed that I had ſeen the largeſt horſes in America, the concluſion would be, that ours have diminiſhed, or that we have bred from a ſmaller ſtock. In Connecticut and Rhode-Iſland, where the climate is favorable to the production of graſs, bullocks have been ſlaughtered which weighed 2500, 2200, and 2100 lb. nett; and thoſe of 1800 lb. have been frequent. I have ſeen a * hog weigh 1050 lb. after the blood, bowels, and hair had been taken from him. Before he was killed an attempt was made to weigh him with a pair of ſteel-yards, graduated to 1200 lb. but he weighed more. Yet this hog was probably not within fifty generations of the European ſtock. I am well informed of another which weighed 1100 lb. groſs. Aſſes have been ſtill more neglected than any other domeſtic animal in America. They are neither fed nor houſed in the moſt rigorous ſeaſon of the year. Yet they are larger than thoſe meaſured by Monſ. D'Aubenton, of 3 feet 7¼ inches, 3 feet 4 inches, and 3 feet 2½ inches, the latter weighing only 215.8 lb. Theſe ſizes, I ſuppoſe, have been produced by the ſame negligence in Europe, which has produced a like diminution here. Where care has been taken of them on that ſide of the

VIII. 48. 55. 66.

* In Williamſburg, April, 1769.

water,

water, they have been raiſed to a ſize bordering on that of the horſe; not by the *heat* and *dryneſs* of the climate, but by good food and ſhelter. Goats have been alſo much neglected in America. Yet they are very prolific here, bearing twice or three times a year, and from one to five kids at a birth. Monſ. de Buffon has been ſenſible of a difference in this circumſtance in favour of America. But what are their greateſt weights I cannot ſay. A large ſheep here weighs 100 lb. I obſerve Monſ. D'Aubenton calls a ram of 62 lb. one of the middle ſize. But to ſay what are the extremes of growth in theſe and the other domeſtic animals of America, would require information of which no one individual is poſſeſſed. The weights actually known and ſtated in the third table preceding will ſuffice to ſhew, that we may conclude, on probable grounds, that, with equal food and care, the climate of America will preſerve the races of domeſtic animals as large as the European ſtock from which they are derived; and conſequently that the third member of Monſ. de Buffon's aſſertion, that the domeſtic animals are ſubject to degeneration from the climate of America, is as probably wrong as the firſt and ſecond were certainly ſo.

XVIII. 96.

IX. 41.

That

That the laſt part of it is erroneous, which affirms that the ſpecies of American quadrupeds are comparatively few, is evident from the tables taken all together. By theſe it appears that there are an hundred ſpecies ab-
XXX.219. original of America. Monſ. de Buffon ſuppoſes about double that number exiſting on the whole earth. Of theſe Europe, Aſia, and Africa, furniſh ſuppoſe 126; that is, the 26 common to Europe and America, and about 100 which are not in America at all. The American ſpecies then are to thoſe of the reſt of the earth, as 100 to 126, or 4 to 5. But the reſidue of the earth being double the extent of America, the exact proportion would have been but as 4 to 8.

Hitherto I have conſidered this hypotheſis as applied to brute animals only, and not in its extenſion to the man of America, whether aboriginal or tranſplanted. It is the opinion of Monſ. de Buffon that the former furniſhes
XVIII.146 no exception to it. ‘ Quoique le ſauvage du nouveau monde ſoit à-peu-près de même ſtature que l'homme de notre monde, cela ne ſuffit pas pour qu'il puiſſe faire une exception au fait général du rapetiſſement de la nature vivante dans tout ce continent: le ſauvage eſt foible & petit par les organes de la génération; il n'a ni poil, ni barbe, & nulle ardeur pour ſa femelle; quoique plus

léger que l'Européen parce qu'il a plus d'habitude à courir, il eſt cependant beaucoup moins fort de corps ; il eſt auſſi bien moins ſenſible, & cependant plus craintif & plus lâche ; il n'a nulle vivacité, nulle activité dans l'ame ; celle du corps eſt moins un exercice, un mouvement volontaire qu'une néceſſité d'action cauſée par le beſoin ; otez lui la faim & la ſoif, vous détruirez en meme temps le principe actif de tous ſes mouvemens ; il demeurera ſtupidement en repos ſur ſes jambes ou couché pendant des jours entiers. Il ne faut pas aller chercher plus loin la cauſe de la vie diſperſée des ſauvages & de leur éloignement pour la ſociété : la plus précieuſe étincelle du feu de la nature leur a été refuſée ; ils manquent d'ardeur pour leur femelle, & par conſequent d'amour pour leur ſemblables : ne connoiſſant pas l'attachement le plus vif, le plus tendre de tous, leurs autres ſentimens de ce genre ſont froids & languiſſans ; ils aiment foiblement leurs pères & leurs enfans ; la ſociété la plus intime de toutes, celle de la même famille, n'a donc chez eux que de foibles liens ; la ſociété d'une famille à l'autre n'en a point du tout : dès lors nulle réunion, nulle république, nulle ètat ſocial. La phyſique de l'amour fait chez eux le moral des mœurs ; leur cœur eſt glacé, leur ſociété froide, &

leur

leur empire dur. Ils ne regardent leurs femmes que comme des ſervantes de peine ou des bêtes de ſomme qu'ils chargent, ſans ménagement, du fardeau de leur chaſſe, & qu'ils forcent ſans pitié, ſans reconnoiſſance, à des ouvrages qui ſouvent ſont audeſſus de leurs forces: ils n'ont que peu d'enfans; ils en ont peu de ſoin; tout ſe reſſent de leur premier défaut; ils ſont indifférents parce qu'ils ſont peu puiſſans, & cette indifférence pour le ſexe eſt la tâche originelle qui flétrit la nature, qui l'empêche de s'épanouir, & qui détruiſant les germes de la vie, coupe en même temps la racine de la ſociété. L'homme ne fait donc point d'exception ici. La nature en lui refuſant les puiſſances de l'amour l'a plus maltraité & plus rapetiſſé qu'aucun des animaux.' An afflicting picture indeed, which, for the honor of human nature, I am glad to believe has no original. Of the Indian of South America I know nothing; for I would not honor with the appellation of knowledge, what I derive from the fables publiſhed of them. Theſe I believe to be juſt as true as the fables of Æſop. This belief is founded on what I have ſeen of man, white, red, and black, and what has been written of him by authors, enlightened themſelves, and writing amidſt an enlightened people. The Indian of North America being more within our reach, I can ſpeak of him ſomewhat from my

my own knowledge, but more from the information of others better acquainted with him, and on whoſe truth and judgment I can rely. From theſe ſources I am able to ſay, in contradiction to this repreſentation, that he is neither more defective in ardor, nor more impotent with his female, than the white reduced to the ſame diet and exerciſe: that he is brave, when an enterprize depends on bravery; education with him making the point of honor conſiſt in the deſtruction of an enemy by ſtratagem, and in the preſervation of his own perſon free from injury; or perhaps this is nature; while it is education which teaches us to * honor force more than fineſſe: that he will defend himſelf againſt an hoſt of enemies, always chuſing to be killed, rather than to † ſurrender, though it be

* Sol Rodomonte ſprezza di venire
Se non, dove la via meno è ſicura. Arioſto. 14. 117.

† In ſo judicious an author as Don Ulloa, and one to whom we are indebted for the moſt preciſe information we have of South America, I did not expect to find ſuch aſſertions as the following. ‘ Los Indios vencidos ſon los mas cobardes y puſilanimes que ſe peuden vér:—ſe hacen inocentes, ſe humillan haſta el deſprecio, diſculpan ſu inconſiderado arrojo, y con las ſúplicas y los ruegos dán ſeguras pruebas de ſu puſilanimidad.—ó lo que refieren las hiſtorias de la Conquiſta, ſobre ſus grandes acciones, es en un ſentido figurado, ó el caracter de eſtas gentes no es ahora ſegun era entonces; pero lo que no tiene duda es, que las Naciones

be to the whites, who he knows will treat him well: that in other ſituations alſo he

de la parte Septentrional ſubſiſten en la miſma libertad que ſiempre han tenido, ſin haber ſido ſojuzgados por algun Principe extrano, y qûe viven ſegun ſu régimen y coſtumbres de toda la vida, ſin que haya habido motivo para que muden de caracter; y en eſtos ſe vé lo miſmo, que ſucede en los del Peru, y de toda la América Meridional, reducidos, y que nunca lo han eſtado.' Noticias Americanas. Entretenimiento XVIII. §. 1. Don Ulloa here admits, that the authors who have deſcribed the Indians of South America, before they were enſlaved, had repreſented them as a brave people, and therefore ſeems to have ſuſpected that the cowardice which he had obſerved in thoſe of the preſent race might be the effect of ſubjugation. But, ſuppoſing the Indians of North America to be cowards alſo, he concludes the anceſtors of thoſe of South America to have been ſo too, and therefore that thoſe authors have given fictions for truths. He was probably not acquainted himſelf with the Indians of North America, and had formed his opinion of them from hear-ſay. Great numbers of French, of Engliſh, and of Americans, are perfectly acquainted with theſe people. Had he had an opportunity of enquiring of any of theſe, they would have told him, that there never was an inſtance known of an Indian begging his life when in the power of his enemies: on the contrary, that he courts death by every poſſible inſult and provocation. His reaſoning then would have been reverſed thus. 'Since the preſent Indian of North America is brave, and authors tell us, that the anceſtors of thoſe of South America were brave alſo; it muſt follow, that the cowardice of their deſcendants is the effect of ſubjugation and ill treatment.' For he obſerves, ib. §. 27. that 'los obrages los aniquilan por la inhumanidad con que ſe les trata.'

meets

meets death with more deliberation, and endures tortures with a firmneſs unknown almoſt to religious enthuſiaſm with us: that he is affectionate to his children, careful of them, and indulgent in the extreme: that his affections comprehend his other connections, weakening, as with us, from circle to circle, as they recede from the center: that his friendſhips are ſtrong and faithful to the uttermoſt * extremity: that his ſenſibility is keen, even the warriors weeping moſt bitterly

* A remarkable inſtance of this appeared in the caſe of the late Col. Byrd, who was ſent to the Cherokee nation to tranſact ſome buſineſs with them. It happened that ſome of our diſorderly people had juſt killed one or two of that nation. It was therefore propoſed in the council of the Cherokees that Col. Byrd ſhould be put to death, in revenge for the loſs of their countrymen. Among them was a chief called Silòuee, who, on ſome former occaſion, had contracted an acquaintance and friendſhip with Col. Byrd. He came to him every night in his tent, and told him not to be afraid, they ſhould not kill him. After many days deliberation, however, the determination was, contrary to Silòuee's expectation, that Byrd ſhould be put to death, and ſome warriors were diſpatched as executioners. Silòuee attended them, and when they entered the tent, he threw himſelf between them and Byrd, and ſaid to the warriors, 'this man is my friend: before you get at him, you muſt kill me.' On which they returned, and the council reſpected the principle ſo much as to recede from their determination.

on the loſs of their children, though in general they endeavour to appear ſuperior to human events: that his vivacity and activity of mind is equal to ours in the ſame ſituation; hence his eagerneſs for hunting, and for games of chance. The women are ſubmitted to unjuſt drudgery. This I believe is the caſe with every barbarous people. With ſuch, force is law. The ſtronger ſex therefore impoſes on the weaker. It is civilization alone which replaces women in the enjoyment of their natural equality. That firſt teaches us to ſubdue the ſelfiſh paſſions, and to reſpect thoſe rights in others which we value in ourſelves. Were we in equal barbariſm, our females would be equal drudges. The man with them is leſs ſtrong than with us, but their woman ſtronger than ours; and both for the ſame obvious reaſon; becauſe our man and their woman is habituated to labour, and formed by it. With both races the ſex which is indulged with eaſe is leaſt athletic. An Indian man is ſmall in the hand and wriſt for the ſame reaſon for which a ſailor is large and ſtrong in the arms and ſhoulders, and a porter in the legs and thighs.—They raiſe fewer children than we do. The cauſes of this are to be found, not in a difference of nature, but of circumſtance. The women very frequently attending the men in their

their parties of war and of hunting, child-bearing becomes extremely inconvenient to them. It is ſaid, therefore, that they have learnt the practice of procuring abortion by the uſe of ſome vegetable; and that it even extends to prevent conception for a conſiderable time after. During theſe parties they are expoſed to numerous hazards, to exceſſive exertions, to the greateſt extremities of hunger. Even at their homes the nation depends for food, through a certain part of every year, on the gleanings of the foreſt: that is, they experience a famine once in every year. With all animals, if the female be badly fed, or not fed at all, her young periſh: and if both male and female be reduced to like want, generation becomes leſs active, leſs productive. To the obſtacles then of want and hazard, which nature has oppoſed to the multiplication of wild animals, for the purpoſe of reſtraining their numbers within certain bounds, thoſe of labour and of voluntary abortion are added with the Indian. No wonder then if they multiply leſs than we do. Where food is regularly ſupplied, a ſingle farm will ſhew more of cattle, than a whole country of foreſts can of buffaloes. The ſame Indian women, when married to white traders, who feed them and their children plentifully and regularly, who exempt

them from exceſſive drudgery, who keep them ſtationary and unexpoſed to accident, produce and raiſe as many children as the white women. Inſtances are known, under theſe circumſtances, of their rearing a dozen children. An inhuman practice once prevailed in this country of making ſlaves of the Indians. It is a fact well known with us, that the Indian women ſo enſlaved produced and raiſed as numerous families as either the whites or blacks among whom they lived.— It has been ſaid, that Indians have leſs hair than the whites, except on the head. But this is a fact of which fair proof can ſcarcely be had. With them it is diſgraceful to be hairy on the body. They ſay it likens them to hogs. They therefore pluck the hair as faſt as it appears. But the traders who marry their women, and prevail on them to diſcontinue this practice, ſay, that nature is the ſame with them as with the whites. Nor, if the fact be true, is the conſequence neceſſary which has been drawn from it. Negroes have notoriouſly leſs hair than the whites; yet they are more ardent. But if cold and moiſture be the agents of nature for diminiſhing the races of animals, how comes ſhe all at once to ſuſpend their operation as to the phyſical man of the new world, whom the Count acknowledges to be 'à peu près

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de même ſtature que l'homme de notre monde,' and to let looſe their influence on his moral faculties? How has this 'combination XVIII.145
of the elements and other phyſical cauſes, ſo contrary to the enlargement of animal nature in this new world, theſe obſtacles to the developement and formation of great germs,' been arreſted and ſuſpended, ſo as to permit the human body to acquire its juſt dimenſions, and by what inconceivable proceſs has their action been directed on his mind alone? To judge of the truth of this, to form a juſt eſtimate of their genius and mental powers, more facts are wanting, and great allowance to be made for thoſe circumſtances of their ſituation which call for a diſplay of particular talents only. This done, we ſhall probably find that they are formed in mind as well as in body, on the ſame module with the * 'Homo ſapiens Europæus.' The principles of their ſociety forbidding all compulſion, they are to be led to duty and to enterprize by perſonal influence and perſuaſion. Hence eloquence in council, bravery and addreſs in war, become the foundations of all conſequence with them. To theſe acquirements all their faculties are directed. Of their bravery and addreſs in war we have multiplied proofs, becauſe we have been the

* Linn. Syſt. Definition of a Man.

ſubjects on which they were exerciſed. Of their eminence in oratory we have fewer examples, becauſe it is diſplayed chiefly in their own councils. Some, however, we have of very ſuperior luſtre. I may challenge the whole orations of Demoſthenes and Cicero, and of any more eminent orator, if Europe has furniſhed more eminent, to produce a ſingle paſſage, ſuperior to the ſpeech of Logan, a Mingo chief, to Lord Dunmore, when governor of this ſtate. And, as a teſtimony of their talents in this line, I beg leave to introduce it, firſt ſtating the incidents neceſſary for underſtanding it. In the ſpring of the year 1774, a robbery and murder were committed on an inhabitant of the frontiers of Virginia, by two Indians of the Shawanee tribe. The neighbouring whites, according to their cuſtom, undertook to puniſh this outrage in a ſummary way. Col. Creſap, a man infamous for the many murders he had committed on thoſe much-injured people, collected a party, and proceeded down the Kanhaway in queſt of vengeance. Unfortunately a canoe of women and children, with one man only, was ſeen coming from the oppoſite ſhore, unarmed, and unſuſpecting an hoſtile attack from the whites. Creſap and his party concealed themſelves on the bank of the river, and the moment the canoe

noe reached the ſhore, ſingled out their objects, and, at one fire, killed every perſon in it. This happened to be the family of Logan, who had long been diſtinguiſhed as a friend of the whites. This unworthy return provoked his vengeance. He accordingly ſignalized himſelf in the war which enſued. In the autumn of the ſame year, a deciſive battle was fought at the mouth of the Great Kanhaway, between the collected forces of the Shawanees, Mingoes, and Delawares, and a detachment of the Virginia militia. The Indians were defeated, and ſued for peace. Logan however diſdained to be ſeen among the ſuppliants. But, leſt the ſincerity of a treaty ſhould be diſtruſted, from which ſo diſtinguiſhed a chief abſented himſelf, he ſent by a meſſenger the following ſpeech to be delivered to Lord Dunmore.

'I appeal to any white man to ſay, if ever he entered Logan's cabin hungry, and he gave him not meat; if ever he came cold and naked, and he clothed him not. During the courſe of the laſt long and bloody war, Logan remained idle in his cabin, an advocate for peace. Such was my love for the whites, that my countrymen pointed as they paſſed, and ſaid, 'Logan is the friend of white men.' I had even thought to have lived with you, but for the injuries of one

man. Col. Creſap, the laſt ſpring, in cold blood, and unprovoked, murdered all the relations of Logan, not ſparing even my women and children. There runs not a drop of my blood in the veins of any living creature. This called on me for revenge. I have ſought it: I have killed many: I have fully glutted my vengeance. For my country, I rejoice at the beams of peace. But do not harbour a thought that mine is the joy of fear. Logan never felt fear. He will not turn on his heel to ſave his life. Who is there to mourn for Logan?—Not one.'

Before we condemn the Indians of this continent as wanting genius, we muſt conſider that letters have not yet been introduced among them. Were we to compare them in their preſent ſtate with the Europeans North of the Alps, when the Roman arms and arts firſt croſſed thoſe mountains, the compariſon would be unequal, becauſe, at that time, thoſe parts of Europe were ſwarming with numbers; becauſe numbers produce emulation, and multiply the chances of improvement, and one improvement begets another. Yet I may ſafely aſk, How many good poets, how many able mathematicians, how many great inventors in arts or ſciences, had Europe North of the Alps then produced? And it was ſixteen centuries after this before

a Newton could be formed. I do not mean to deny, that there are varieties in the race of man, diſtinguiſhed by their powers both of body and mind. I believe there are, as I ſee to be the caſe in the races of other animals. I only mean to ſuggeſt a doubt, whether the bulk and faculties of animals depend on the ſide of the Atlantic on which their food happens to grow, or which furniſhes the elements of which they are compounded? Whether nature has enliſted herſelf as a Cis or Trans-Atlantic partiſan? I am induced to ſuſpect, there has been more eloquence than ſound reaſoning diſplayed in ſupport of this theory; that it is one of thoſe caſes where the judgment has been ſeduced by a glowing pen: and whilſt I render every tribute of honor and eſteem to the celebrated Zoologiſt, who has added, and is ſtill adding, ſo many precious things to the treaſures of ſcience, I muſt doubt whether in this inſtance he has not cheriſhed error alſo, by lending her for a moment his vivid imagination and bewitching language. (4)

So far the Count de Buffon has carried this new theory of the tendency of nature to belittle her productions on this ſide the Atlantic. Its application to the race of whites, tranſplanted from Europe, remained for the Abbé Raynal. 'On doit etre etonné (he

ſays) que l'Amerique n'ait pas encore produit un bon poëte, un habile mathematicien, un homme de genie dans un ſeul art, ou une ſeule ſcience.' 7. Hiſt. Philoſ. p. 92. ed. Maeſtricht. 1774. 'America has not yet produced one good poet.' When we ſhall have exiſted as a people as long as the Greeks did before they produced a Homer, the Romans a Virgil, the French a Racine and Voltaire, the Engliſh a Shakeſpeare and Milton, ſhould this reproach be ſtill true, we will enquire from what unfriendly cauſes it has proceeded, that the other countries of Europe and quarters of the earth ſhall not have inſcribed any name in the roll of poets *. But neither has America produced 'one able mathematician, one man of genius in a ſingle art or a ſingle ſcience.' In war we have produced a Waſhington, whoſe memory will be adored while liberty ſhall have votaries, whoſe name will triumph over time, and will in future ages aſſume its juſt ſtation among the moſt celebrated worthies of the world,

* Has the world as yet produced more than two poets, acknowledged to be ſuch by all nations? An Engliſhman, only, reads Milton with delight, an Italian Taſſo, a Frenchman the Henriade, a Portugueſe Camouens: but Homer and Virgil have been the rapture of every age and nation: they are read with enthuſiaſm in their originals by thoſe who can read the originals, and in tranſlations by thoſe who cannot.

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when that wretched philoſophy ſhall be forgotten which would have arranged him among the degeneracies of nature. In phyſics we have produced a Franklin, than whom no one of the preſent age has made more important diſcoveries, nor has enriched philoſophy with more, or more ingenious ſolutions of the phænomena of nature. We have ſuppoſed Mr. Rittenhouſe ſecond to no aſtronomer living: that in genius he muſt be the firſt, becauſe he is ſelf-taught. As an artiſt he has exhibited as great a proof of mechanical genius as the world has ever produced. He has not indeed made a world; but he has by imitation approached nearer its Maker than any man who has lived from the creation to this day*. As in philoſophy and war, ſo in government, in oratory, in painting, in the plaſtic art, we might ſhew that America, though but a child of yeſterday, has already given hopeful proofs of genius, as well of the nobler kinds, which arouſe the beſt feelings of man, which call him into action, which ſubſtantiate his freedom, and conduct him to happineſs, as of

* There are various ways of keeping truth out of ſight. Mr. Rittenhouſe's model of the planetary ſyſtem has the plagiary appellation of an Orrery; and the quadrant invented by Godfrey, an American alſo, and with the aid of which the European nations traverſe the globe, is called Hadley's quadrant.

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the ſubordinate, which ſerve to amuſe him only. We therefore ſuppoſe, that this reproach is as unjuſt as it is unkind; and that, of the geniuſes which adorn the preſent age, America contributes its full ſhare. For comparing it with thoſe countries, where genius is moſt cultivated, where are the moſt excellent models for art, and ſcaffoldings for the attainment of ſcience, as France and England for inſtance, we calculate thus. The United States contain three millions of inhabitants; France twenty millions; and the Britiſh iſlands ten. We produce a Waſhington, a Franklin, a Rittenhouſe. France then ſhould have half a dozen in each of theſe lines, and Great-Britain half that number, equally eminent. It may be true, that France has: we are but juſt becoming acquainted with her, and our acquaintance ſo far gives us high ideas of the genius of her inhabitants. It would be injuring too many of them to name particularly a Voltaire, a Buffon, the conſtellation of Encyclopediſts, the Abbé Raynal himſelf, &c. &c. We therefore have reaſon to believe ſhe can produce her full quota of genius. The preſent war having ſo long cut off all communication with Great-Britain, we are not able to make a fair eſtimate of the ſtate of ſcience in that country. The ſpirit in which ſhe wages war is the only

ſample

ſample before our eyes, and that does not ſeem the legitimate offspring either of ſcience or of civilization. The ſun of her glory is faſt deſcending to the horizon. Her philoſophy has croſſed the Channel, her freedom the Atlantic, and herſelf ſeems paſſing to that awful diſſolution, whoſe iſſue is not given human foreſight to ſcan *.

Having

* In a later edition of the Abbé Raynal's work, he has withdrawn his cenſure from that part of the new world inhabited by the Federo-Americans; but has left it ſtill on the other parts. North America has always been more acceſſible to ſtrangers than South. If he was miſtaken then as to the former, he may be ſo as to the latter. The glimmerings which reach us from South America enable us only to ſee that its inhabitants are held under the accumulated preſſure of ſlavery, ſuperſtition, and ignorance. Whenever they ſhall be able to riſe under this weight, and to ſhew themſelves to the reſt of the world, they will probably ſhew they are like the reſt of the world. We have not yet ſufficient evidence that there are more *lakes* and *fogs* in South America than in other parts of the earth. As little do we know what would be their operation on the mind of man. That country has been viſited by Spaniards and Portugueze chiefly, and almoſt excluſively. Theſe, going from a country of the old world remarkably dry in its ſoil and climate, fancied there were more lakes and fogs in South America than in Europe. An inhabitant of Ireland, Sweden, or Finland, would have formed the contrary opinion. Had South America then been diſcovered and ſeated by a people from a fenny country,

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Having given a ſketch of our minerals, vegetables, and quadrupeds, and being led by a proud theory to make a compariſon of the latter with thoſe of Europe, and to extend it to the Man of America, both aboriginal and emigrant, I will proceed to the remaining articles comprehended under the preſent query.

Between ninety and an hundred of our birds have been deſcribed by Cateſby. His drawings are better as to form and attitude, than colouring, which is generally too high. They are the following.

it would probably have been repreſented as much drier than the old world. A patient purſuit of facts, and cautious combination and compariſon of them, is the drudgery to which man is ſubjected by his Maker, if he wiſhes to attain ſure knowledge.

BIRDS

BIRDS OF VIRGINIA.

Linnæan Deſignation.	*Cateſby's Deſignation.*		*Popular Names.*	*Buffon oiſeaux.*
Lanius tyrannus	Muſcicapa coronâ rubrâ ——	1.55	Tyrant. Field martin —	8.398
Vultur aura	Buteo ſpecie Gallo-pavonis —	1.6	Turkey buzzard — —	1.246
Falco leucocephalus	Aquilâ capite albo —— ——	1.1	Bald Eagle — — — —	1.138
Falco ſparverius	Accipiter minor — ——	1.5	Little hawk. Sparrow hawk —	
Falco columbarius	Accipiter palumbarius ——	1.3	Pigeon hawk — —	1.338
Falco furcatus	Accipiter caudâ furcatâ —	1.4	Forked tail hawk — —	1.286.312
	Accipiter piſcatorius — —	1.2	Fiſhing hawk — — —	1.199
Strix aſio	Noctua aurita minor — —	1.7	Little owl —— ——	1.141
Pſittacus Carolinienſis	Pſitticus Carolinienſis — —	1.11	Parrot of Carolina. Perroquet	11.383
Corvus criſtatus	Pica glandaria, cærulea, criſtata —	1.15	Blue jay —— ——	5.164
Oriolus Baltimore	Icterus ex aureo nigroque varius	1.48	Baltimore bird —— ——	5.318
Oriolus ſpurius	Icterus minor —— ——	1.49	Baſtard Baltimore ——	5.321
Gracula quiſcula	Monedula purpurea ——	1.12	Purple jackdaw. Crow blackbird	5.134
Cuculus Americanus	Cuculus Carolinienſis — —	1.9	Carolina cuckow —— —	12.62
Picus principalis	Picus maximus roſtro albo ——	1.16	White bill woodpecker ——	13.69
Picus pileatus	Picus niger maximus, capite rubro	1.17	Larger red-creſted woodpecker	13.72
Picus erythrocephalus	Picus capite toto rubro —— —	1.20	Red-headed woodpecker	13.83

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Linnæan Deſignation.	*Cateſby's Deſignation.*		*Popular Names.*	*Buffon oiſeaux.*
Picus auratus	Picus major alis aureis	1. 18	Gold winged woodpecker. Yucker	13.59
Picus Carolinus	Picus ventre rubro	1. 19	Red bellied woodpecker	13.105
Picus pubeſcens	Picus varius minimus	1.21	Smalleſt ſpotted woodpecker	13.113
Picus villoſus	Picus medius quaſi-villoſus	1.19	Hairy woodpecker. Speck. woodpec.	13.111
Picus varius	Picus varius minor ventre luteo	1.21	Yellow bellied woodpecker	13.115
Sitta Europæa	Sitta capite nigro	1.22	Nuthatch	10.213
	Sitta capite fuſco	1.22	Small Nuthatch	10.214
Alcedo alcyon	Iſpida	1.69	Kingfiſher	13.310
Certhia pinus	Parus Americanus luteſcens	1.61	Pinecreeper	9.433
Trochilus colubris	Mellivora avis Carolinienſis	1.65	Humming bird	11.16
Anas Canadenſis	Anſer Canadenſis	1.92	Wild gooſe	17.122
Anas bucephala	Anas minor purpureo capite	1.95	Buffel's head duck	17.356
Anas ruſtica	Anas minor ex albo & fuſco vario	1.98	Little brown duck	17.413
Anas diſcors	Querquedula Americana variegata	1.100	White face teal	17.403
Anas diſcors. ♂.	Querquedula Americana fuſca	1.99	Blue wing teal	17.405
Anas ſponſa	Anas Americanus criſtatus elegans	1.97	Summer duck	17.351
	Anas Americanus lato roſtro.	1.96	Blue wing ſhoveler	17.275
Mergus cucullatus	Anas criſtatus	1.94	Round creſted duck	15.437
Colymbus podiceps	Prodicipes minor roſtro vario	1.91	Pied bill dopchick	15.383

Linnæan Deſignation.	*Cateſby's Deſignation.*		*Popular Names.*	*Buffon oiſeaux.*
Ardea Herodias	Ardea criſtata maxima Americana	3.10	Largeſt creſted heron	14.113
Ardea violacea	Ardea ſtellaris criſtata Americana	1.79	Creſted bittern	14.134
Ardea cærulea	Ardea cærulea	1.76	Blue heron. Crane	14.131
Ardea vireſcens	Ardea ſtellaris minima	1.80	Small bittern	14.142
Ardea æquinoctialis	Ardea alba minor Carolinienſis	1.77	Little white heron	14.136
	Ardea ſtellaris Americana	1.78	Brown bittern. Indian hen	14.175
Tantalus loculator	Pelicanus Americanus	1.81	Wood pelican	13.403
Tantalus alber	Numenius albus	1.82	White curlew	15.62
Tantalus fuſcus	Numenius fuſcus	1.83	Brown curlew	15.64
Charadrius vociferus	Pluvialis vociferus	1.71	Chattering plover. Kildee	15.151
Hæmatopus oſtralegus	Hæmatopus	1.85	Oyſter Catcher	15.185
Rallus Virginianus	Gallinula Americana	1.70	Soree. Ral-bird	15.256
Meleagris Gallopavo	Gallopavo Sylveſtris	xliv.	Wild turkey	3.187.229
Tetrao Virginianus	Perdix Sylveſtris Virginiana	3.12	American partridge. American quail	4.237
	Urogallus minor, or a kind of Lagopus	3.1	Pheaſant. Mountain partridge	3.409
Columba paſſerina	Turtur minimus guttatus	1.26	Ground dove	4.404
Columba migratoria	Palumbus migratorius	1.23	Pigeon of paſſage. Wild pigeon	4.351
Columba Carolinienſis	Turtur Carolinienſis	1.24	Turtle. Turtle dove	4.401
Alauda alpeſtris	Alauda gutture flavo	1.32	Lark. Sky lark	9.79

Linnæan Deſignation.	*Cateſby's Deſignation.*		*Popular Names.*	*Buffon oiſeaux.*
Alauda magna	Alauda magna	1.33	Field lark. Large lark	6.59
	Sturnus niger alis ſuperné rubentibus	1.13	Red winged ſtarling. Marſh blackbird	5.293
Turdus migratorius	Turdus pilaris migratorius	1.29	Fieldfare of Carolina. Robin redbreaſt	5.426 / 9.257
Turdus rufus	Turdus ruffus	1.28	Fox coloured thruſh. Thruſh	5.449
Turdus polyglottos	Turdus minor cinereo albus non maculatus	1.27	Mocking bird	5.451
	Turdus minimus	1.31	Little thruſh	5.409
Ampelis garrulus. ℭ.	Garrulus Carolinienſis	1.46	Chatterer	6.162
Loxia Cardinalis	Coccothrauſtes rubra	1.38	Red bird. Virginia nightingale	6.185
Loxia Cærulea	Coccothrauſtes cærulea	1.39	Blue groſs beak	8.125
Emberiza hyemalis	Paſſer nivalis	1.36	Snow bird	8.47
Emberiza Oryzivora	Hortulanus Carolinienſis	1.14	Rice bird	8.49
Emberiza Ciris	Fringilla tricolor	1.44	Painted finch	7.247
Tanagra cyanea	Linaria cærulea	1.45	Blue linnet	7.122
	Paſſerculus	1.35	Little ſparrow	7.120
[ma	Paſſer fuſcus	1.34	Cowpen bird	7.196
Fringilla erythrophthal-	Paſſer niger oculis rubris	1.34	Towhe bird	7.201
Fringilla triſtis	Carduelis Americanus	1.43	American goldfinch. Lettuce bird	7.297
	Fringilla purpurea	1.41	Purple finch	8.129

Linnæan Deſignation.	*Cateſby's Deſignation.*		*Popular Names.*	*Buffon oiſeaux.*
Muſcicapa crinita	Muſcicapa criſtata ventre luteo	1.52	Creſted flycatcher	8.379
Muſcicapa rubra	Muſcicapa rubra	1.56	Summer red bird	8.410
Muſcicapa ruticilla	Ruticilla Americana	1.67	Red ſtart	8.349 9.259
Muſcicapa Carolinienſis	Muſcicapa vertice nigro	1.66	Cat bird	8.372
	Muſcicapa nigreſcens	1.53	Black-cap flycatcher	8.341
	Muſcicapa fuſca	1.54	Little brown flycatcher	8.344
	Muſcicapa oculis rubris	1.54	Red-eyed flycatcher	8.337
Motacilla Sialis	Rubicula Americana cærulea	1.47	Blue bird	9.308
Motacilla regulus	Regulus criſtatus	3.13	Wren	10.58
Motacilla trochilus. ℭ.	Oenanthe Americana pectore luteo	1.50	Yellow-breaſted chat	6.96
Parus bicolor	Parus criſtatus	1.57	Creſted titmouſe	10.181
Parus Americanus	Parus fringillaris	1.64	Finch creeper	9.442
Parus Virginianus	Parus uropygeo luteo	1.58	Yellow rump	10.184
	Parus cucullo nigro	1.60	Hooded titmouſe	10.183
	Parus Americanus gutture luteo	1.62	Yellow-throated creeper	
	Parus Carolinienſis	1.63	Yellow titmouſe	9.431
Hirundo Pelaſgia	Hirundo cauda aculeata Americana	3.8	American ſwallow	12.478
Hirundo purpurea	Hirundo purpurea	1.51	Purple martin. Houſe martin	12.445
CaprimulgusEuropæus ♂	Caprimulgus	1.8	Goatſucker. Great bat	12.243
CaprimulgusEuropæus ♀	Caprimulgus minor Americanus	3.16	Whip-poor Will	12.246

Beſides theſe, we have

The Royſton crow. Corvus cornix.
Crane. Ardea Canadenſis.
Houſe ſwallow. Hirundo ruſtica.
Ground ſwallow. Hirundo riparia.
Greateſt grey eagle.
Smaller turkey buzzard, with a feathered head.
Greateſt owl, or night hawk.
Wethawk, which feeds flying.
Raven.
Water pelican of the Miſſiſipi, whoſe pouch holds a peck.
Swan.
Loon.
The Cormorant.
Duck and Mallard.
Widgeon.
Sheldrach, or Canvas back.
Black head.
Ballcoot.
Sprigtail.
Didapper, or Dopchick
Spoon billed duck.
Water-witch.
Water-pheaſant.
Mow-bird.
Blue peter.
Water wagtail.
Yellow-legged ſnipe.
Squatting ſnipe.
Small plover.
Whiſtling plover.
Woodcock.
Red bird, with black head, wings and tail.

And doubtleſs many others which have not yet been deſcribed and claſſed.

To this catalogue of our indigenous animals, I will add a ſhort account of an anomaly of nature, taking place ſometimes in the race of negroes brought from Africa, who, though black themſelves, have in rare inſtances, white children, called Albinos. I have known four of theſe myſelf, and have faithful accounts of three others. The circumſtances in which all the individuals agree are theſe. They are of a pallid cadaverous white, untinged with red, without any coloured ſpots or ſeams; their hair of the ſame kind of white, ſhort, coarſe, and curled as is

that of the negro; all of them well formed, ſtrong, healthy, perfect in their ſenſes, except that of ſight, and born of parents who had no mixture of white blood. Three of theſe Albinos were ſiſters, having two other full ſiſters, who were black. The youngeſt of the three was killed by lightning, at twelve years of age. The eldeſt died at about 27 years of age, in child-bed, with her ſecond child. The middle one is now alive in health, and has iſſue, as the eldeſt had, by a black man, which iſſue was black. They are uncommonly ſhrewd, quick in their apprehenſions and in reply. Their eyes are in a perpetual tremulous vibration, very weak, and much affected by the ſun: but they ſee better in the night than we do. They are of the property of Col. Skipwith, of Cumberland. The fourth is a negro woman, whoſe parents came from Guinea, and had three other children, who were of their own colour. She is freckled, her eye-ſight ſo weak that ſhe is obliged to wear a bonnet in the ſummer; but it is better in the night than day. She had an Albino child by a black man. It died at the age of a few weeks. Theſe were the property of Col. Carter, of Albemarle. A ſixth inſtance is a woman of the property of a Mr. Butler, near Peterſburgh. She is ſtout and robuſt, has iſſue a daughter,

jet black, by a black man. I am not informed as to her eye ſight. The ſeventh inſtance is of a male belonging to a Mr. Lee, of Cumberland. His eyes are tremulous and weak. He is tall of ſtature, and now advanced in years. He is the only male of the Albinos which have come within my information. Whatever be the cauſe of the diſeaſe in the ſkin, or in its colouring matter, which produces this change, it ſeems more incident to the female than male ſex. To theſe I may add the mention of a negro man within my own knowledge, born black, and of black parents; on whoſe chin, when a boy, a white ſpot appeared. This continued to increaſe till he became a man, by which time it had extended over his chin, lips, one cheek, the under jaw and neck on that ſide. It is of the Albino white, without any mixture of red, and has for ſeveral years been ſtationary. He is robuſt and healthy, and the change of colour was not accompanied with any ſenſible diſeaſe, either general or topical.

Of our fiſh and inſects there has been nothing like a full deſcription or collection. More of them are deſcribed in Cateſby than in any other work. Many alſo are to be found in Sir Hans Sloane's Jamaica, as being common to that and this country. The honey-

ney-bee is not a native of our continent. Marcgrave indeed mentions a ſpecies of honey-bee in Braſil. But this has no ſting, and is therefore different from the one we have, which reſembles perfectly that of Europe. The Indians concur with us in the tradition that it was brought from Europe; but when, and by whom, we know not. The bees have generally extended themſelves into the country, a little in advance of the white ſettlers. The Indians therefore call them the white man's fly, and conſider their approach as indicating the approach of the ſettlements of the whites. A queſtion here occurs, How far northwardly have theſe inſects been found? That they are unknown in Lapland, I infer from Scheffer's information, that the Laplanders eat the pine bark, prepared in a certain way, inſtead of thoſe things ſweetened with ſugar. 'Hoc comedunt pro rebus ſaccharo 'conditis.' Scheff. Lapp. c. 18. Certainly, if they had honey, it would be a better ſubſtitute for ſugar than any preparation of the pine bark. Kalm tells us the honey bee can- I. 126.
not live through the winter in Canada. They furniſh then an additional proof of the remarkable fact firſt obſerved by the Count de Buffon, and which has thrown ſuch a blaze of light on the field of natural hiſtory, that no animals are found in both continents, but

thoſe

thoſe which are able to bear the cold of thoſe regions where they probably join.

QUERY VII.

Climate. A NOTICE of all what can increaſe the progreſs of human knowledge?

Under the latitude of this query, I will preſume it not improper nor unacceptable to furniſh ſome data for eſtimating the climate of Virginia. Journals of obſervations on the quantity of rain, and degree of heat, being lengthy, confuſed, and too minute to produce general and diſtinct ideas, I have taken five years obſervations, to wit, from 1772 to 1777, made in Williamſburgh and its neighbourhood, have reduced them to an average for every month in the year, and ſtated thoſe averages in the following table, adding an analytical view of the winds during the ſame period.

	Fall of rain, &c. in inches.	Least & greatest daily heat by Farenheit's thermometer.		WINDS.								
				N.	N. E.	E.	S. E.	S.	S. W.	W.	N. W.	Total.
Jan.	3.192	38½	to 44	73	47	32	10	11	78	40	46	337
Feb.	2.049	41	47½	61	52	24	11	4	63	30	31	276
Mar.	3.95	48	54½	49	44	38	28	14	83	29	33	318
April	3.68	56	62½	35	44	54	19	9	58	18	20	257
May	2.871	63	70½	27	36	62	23	7	74	32	20	281
June	3.751	71½	78¼	22	34	43	24	13	81	25	25	267
July	4.497	77	82½	41	44	75	15	7	95	32	19	328
Aug.	9.153	76¼	81	43	52	40	30	9	103	27	30	334
Sept.	4.761	69½	74¼	70	60	51	18	10	81	18	37	345
Oct.	3.633	61¼	66½	52	77	64	15	6	56	23	34	327
Nov.	2.617	47¾	53½	74	21	20	14	9	63	35	58	294
Dec.	2.877	43	48¾	64	37	18	16	10	91	42	56	334
Total.	47.038	8. A.M.	4. P.M.	611	548	521	223	109	926	351	409	3698

The rains of every month, (as of January for inſtance) through the whole period of years, were added ſeparately, and an average drawn from them. The cooleſt and warmeſt point of the ſame day in each year of the period were added ſeparately, and an average of the greateſt cold and greateſt heat of that day, was formed. From the averages of every day in the month, a general average for the whole month was formed. The point from which the wind blew was obſerved two or three times in every day. Theſe obſervations, in the month of January for inſtance, through the whole period amounted to 337. At 73 of theſe, the wind was from the North; at 47, from the North-eaſt, &c. So that it will be eaſy to ſee in what proportion each wind uſually prevails in each month: or, taking the whole year, the total of obſervations through the whole period having been 3698, it will be obſerved that 611 of them were from the North, 558 from the North-eaſt, &c.

Though by this table it appears we have on an average 47 inches of rain annually, which is conſiderably more than uſually falls in Europe, yet from the information I have collected, I ſuppoſe we have a much greater proportion of ſunſhine here than there. Perhaps it will be found there are twice as many

many cloudy days in the middle parts of Europe, as in the United States of America. I mention the middle parts of Europe, becauſe my information does not extend to its northern or ſouthern parts.

In an extenſive country, it will of courſe be expected that the climate is not the ſame in all its parts. It is remarkable that, proceeding on the ſame parallel of latitude weſtwardly, the climate becomes colder in like manner as when you proceed northwardly. This continues to be the caſe till you attain the ſummit of the Alleghaney, which is the higheſt land between the ocean and the Miſſiſipi. From thence, deſcending in the ſame latitude to the Miſſiſipi, the change reverſes; and, if we may believe travellers, it becomes warmer there than it is in the ſame latitude on the ſea ſide. Their teſtimony is ſtrengthened by the vegetables and animals which ſubſiſt and multiply there naturally, and do not on our ſea coaſt. Thus Catalpas grow ſpontaneouſly on the Miſſiſipi, as far as the latitude of 37°. and reeds as far as 38°. Perroquets even winter on the Sioto, in the 39th degree of latitude. In the ſummer of 1779, when the thermometer was at 90°. at Monticello, and 96 at Williamſburgh, it was 110°. at Kaſkaſkia. Perhaps the mountain, which overhangs this village on the

North ſide, may, by its reflexion, have contributed ſomewhat to produce this heat. The difference of temperature of the air at the ſea coaſt, or on Cheſapeak bay, and at the Alleghaney, has not been aſcertained; but cotemporary obſervations, made at Williamſburgh, or in its neighbourhood, and at Monticello, which is on the moſt eaſtern ridge of mountains, called the South Weſt, where they are interſected by the Rivanna, have furniſhed a ratio by which that difference may in ſome degree be conjectured. Theſe obſervations make the difference between Williamſburgh and the neareſt mountains, at the poſition before mentioned, to be on an average $6\frac{1}{5}$ degrees of Farenheit's thermometer. Some allowance however is to be made for the difference of latitude between theſe two places, the latter being 38°. 8′. 17″. which is 52′. 22″. North of the former. By cotemporary obſervations of between five and ſix weeks, the averaged and almoſt unvaried difference of the height of mercury in the barometer, at thoſe two places, was .784 of an inch, the atmoſphere at Monticello being ſo much the lighteſt, that is to ſay, about $\frac{1}{77}$ of its whole weight. It ſhould be obſerved, however, that the hill of Monticello is of 500 feet perpendicular height above the river which waſhes its baſe.

This

This poſition being nearly central between our northern and ſouthern boundaries, and between the bay and Alleghaney, may be conſidered as furniſhing the beſt average of the temperature of our climate. Williamſburgh is much too near the South-eaſtern corner to give a far idea of our general temperature.

But a more remarkable difference is in the winds which prevail in the different parts of the country. The following table exhibits a comparative view of the winds prevailing at Williamſburgh, and at Monticello. It is formed by reducing nine months obſervations at Monticello to four principal points, to wit, the North-eaſt, South-eaſt, South-weſt, and North-weſt; theſe points being perpendicular to, or parallel with our coaſt, mountains and rivers: and by reducing, in like manner, an equal number of obſervations, to wit, 421. from the preceding table of winds at Williamſburgh, taking them proportionably from every point.

	N. E.	S. E.	S. W.	N. W.	Total.
Williamſburgh	127	61	132	101	421
Monticello	32	91	126	172	421

By this it may be ſeen that the South-weſt wind prevails equally at both places; that the

the North-eaſt is, next to this, the principal wind towards the ſea coaſt, and the North-weſt is the predominant wind at the mountains. The difference between theſe two winds to ſenſation, and in fact, is very great. The North-eaſt is loaded with vapour, inſomuch, that the ſalt makers have found that their cryſtals would not ſhoot while that blows; it brings a diſtreſſing chill, is heavy and oppreſſive to the ſpirits: the North-weſt is dry, cooling, elaſtic and animating. The Eaſtern and South-eaſtern breezes come on generally in the afternoon. They have advanced into the country very ſenſibly within the memory of people now living. They formerly did not penetrate far above Williamſburgh. They are now frequent at Richmond, and every now and then reach the mountains. They depoſit moſt of their moiſture however before they get that far. As the lands become more cleared, it is probable they will extend ſtill further weſtward.

Going out into the open air, in the temperate, and in the warm months of the year, we often meet with bodies of warm air, which, paſſing by us in two or three ſeconds, do not afford time to the moſt ſenſible thermometer to ſeize their temperature. Judging from my feelings only, I think they approach the ordinary heat of the human body.

Some

Some of them perhaps go a little beyond it. They are of about 20 or 30 feet diameter horizontally. Of their height we have no experience; but probably they are globular volumes wafted or rolled along with the wind. But whence taken, where found, or or how generated? They are not to be aſcribed to Volcanos, becauſe we have none. They do not happen in the winter when the farmers kindle large fires in clearing up their grounds. They are not confined to the ſpring ſeaſon, when we have fires which traverſe whole counties, conſuming the leaves which have fallen from the trees. And they are too frequent and general to be aſcribed to accidental fires. I am perſuaded their cauſe muſt be ſought for in the atmoſphere itſelf, to aid us in which I know but of theſe conſtant circumſtances; a dry air; a temperature as warm at leaſt as that of the ſpring or autumn; and a moderate current of wind. They are moſt frequent about ſun-ſet; rare in the middle parts of the day; and I do not recollect having ever met with them in the morning.

The variation in the weight of our atmoſphere, as indicated by the barometer, is not equal to two inches of mercury. During twelve months obſervation at Williamſburgh, the extremes were 29, and 30.86 inches, the

difference being 1.86 of an inch: and in nine months, during which the height of the mercury was noted at Monticello, the extremes were 28.48 and 29.69 inches, the variation being 1.21 of an inch. A gentleman, who has obſerved his barometer many years, aſſures me it has never varied two inches. Cotemporary obſervations, made at Monticello and Williamſburgh, proved the variations in the weight of air to be ſimultaneous and correſponding in theſe two places.

Our changes from heat to cold, and cold to heat, are very ſudden and great. The mercury in Farenheit's thermometer has been known to deſcend from 92°. to 47°. in thirteen hours.

It is taken for granted, that the preceding table of averaged heat will not give a falſe idea on this ſubject, as it propoſes to ſtate only the ordinary heat and cold of each month, and not thoſe which are extraordinary. At Williamſburgh in Auguſt 1766, the mercury in Farenheit's thermometer was at 98°. correſponding with 29$\frac{1}{3}$ of Reaumur. At the ſame place in January 1780, it was at 6°. correſponding with 11$\frac{1}{2}$ below 0. of Reaumur. I believe* theſe may be conſidered

* At Paris, in 1753, the mercury in Reaumur's thermometer was at 30$\frac{1}{2}$ above 0, and in 1776, it was at

dered to be nearly the extremes of heat and cold in that part of the country. The latter may moſt certainly, as, at that time, York river, at York town, was frozen over, ſo that people walked acroſs it; a circumſtance which proves it to have been colder than the winter of 1740, 1741, uſually called the cold winter, when York river did not freeze over at that place. In the ſame ſeaſon of 1780, Cheſapeak bay was ſolid, from its head to the mouth of Patowmac. At Annapolis, where it is $5\frac{1}{4}$ miles over between the neareſt points of land, the ice was from 5 to 7 inches thick quite acroſs, ſo that loaded carriages went over on it. Thoſe, our extremes of heat and cold, of 6°. and 98°. were indeed very diſtreſſing to us, and were thought to put the extent of the human conſtitution to conſiderable trial. Yet a Siberian would have conſidered them as ſcarcely a ſenſible variation. At Jenniſeitz in that country, in latitude 58°. 27′. we are told, that the cold in 1735 ſunk the mercury by Farenheit's ſcale to 126°. below nothing; and the inhabitants of the ſame country uſe ſtove rooms two or three times a week, in which they ſtay two hours at a time, the at-

at 16 below 0. The extremities of heat and cold therefore at Paris, are greater than at Williamſburgh, which is in the hotteſt part of Virginia.

moſphere of which raiſes the mercury to 135°. above nothing. Late experiments ſhew that the human body will exiſt in rooms heated to 140°. of Reaumur, equal to 347°. of Farenheit, and 135°. above boiling water. The hotteſt point of the 24 hours is about four o'clock, P. M. and the dawn of day the coldeſt.

The acceſs of froſt in autumn, and its receſs in the ſpring, do not ſeem to depend merely on the degree of cold; much leſs on the air's being at the freezing point. White froſts are frequent when the thermometer is at 47°. have killed young plants of Indian corn at 48°. and have been known at 54°. Black froſt, and even ice, have been produced at 38½°. which is 6½ degrees above the freezing point. That other circumſtances muſt be combined with the cold to produce froſt, is evident from this alſo, that on the higher parts of mountains, where it is abſolutely colder than in the plains on which they ſtand, froſts do not appear ſo early by a conſiderable ſpace of time in autumn, and go off ſooner in the ſpring, than in the plains. I have known froſts ſo ſevere as to kill the hiccory trees round about Monticello, and yet not injure the tender fruit bloſſoms then in bloom on the top and higher parts of the mountain; and in the courſe

courſe of 40 years, during which it has been ſettled, there have been but two inſtances of a general loſs of fruit on it: while, in the circumjacent country, the fruit has eſcaped but twice in the laſt ſeven years. The plants of tobacco, which grow from the roots of thoſe which have been cut off in the ſummer, are frequently green here at Chriſtmas. This privilege againſt the froſt is undoubtedly combined with the want of dew on the mountains. That the dew is very rare on their higher parts, I may ſay with certainty, from 12 years obſervations, having ſcarcely ever, during that time, ſeen an unequivocal proof of its exiſtence on them at all during ſummer. Severe froſts in the depth of winter prove that the region of dews extends higher in that ſeaſon than the tops of the mountains: but certainly, in the ſummer ſeaſon, the vapours, by the time they attain that height, are become ſo attenuated as not to ſubſide and form a dew when the ſun retires.

The weavil has not yet aſcended the high mountains.

A more ſatisfactory eſtimate of our climate to ſome, may perhaps be formed, by noting the plants which grow here, ſubject however to be killed by our ſevereſt colds. Theſe are the fig, pomegranate, artichoke,

and European walnut. In mild winters, lettuce and endive require no ſhelter; but generally they need a ſlight covering. I do not know that the want of long moſs, reed, myrtle, ſwamp laurel, holly and cypreſs, in the upper country, proceeds from a greater degree of cold, nor that they were ever killed with any degree of cold in the lower country. The aloe lived in Williamſburgh in the open air through the ſevere winter of 1779, 1780.

A change in our climate however is taking place very ſenſibly. Both heats and colds are become much more moderate within the memory even of the middle-aged. Snows are leſs frequent and leſs deep. They do not often lie, below the mountains, more than one, two, or three days, and very rarely a week. They are remembered to have been formerly frequent, deep, and of long continuance. The elderly inform me the earth uſed to be covered with ſnow about three months in every year. The rivers, which then ſeldom failed to freeze over in the courſe of the winter, ſcarcely ever do ſo now. This change has produced an unfortunate fluctuation between heat and cold, in the ſpring of the year, which is very fatal to fruits. From the year 1741 to 1769, an interval of twenty-eight years, there was no inſtance of fruit killed

killed by the froſt in the neighbourhood of Monticello. An intenſe cold, produced by conſtant ſnows, kept the buds locked up till the ſun could obtain, in the ſpring of the year, ſo fixed an aſcendency as to diſſolve thoſe ſnows, and protect the buds, during their developement, from every danger of returning cold. The accumulated ſnows of the winter remaining to be diſſolved all together in the ſpring, produced thoſe overflowings of our rivers, ſo frequent then, and ſo rare now.

Having had occaſion to mention the particular ſituation of Monticello for other purpoſes, I will juſt take notice that its elevation affords an opportunity of ſeeing a phænomenon which is rare at land, though frequent at ſea. The ſeamen call it *looming*. Philoſophy is as yet in the rear of the ſeamen, for ſo far from having accounted for it, ſhe has not given it a name. Its principal effect is to make diſtant objects appear larger, in oppoſition to the general law of viſion, by which they are diminiſhed. I knew an inſtance, at York town, from whence the water proſpect eaſtwardly is without termination, wherein a canoe with three men, at a great diſtance, was taken for a ſhip with its three maſts. I am little acquainted with the phænomenon as it ſhews

itſelf at ſea; but at Monticello it is familiar. There is a ſolitary mountain about 40 miles off, in the South, whoſe natural ſhape, as preſented to view there, is a regular cone; but, by the effect of looming, it ſometimes ſubſides almoſt totally into the horizon; ſometimes it riſes more acute and more elevated; ſometimes it is hemiſpherical; and ſometimes its ſides are perpendicular, its top flat, and as broad as its baſe. In ſhort it aſſumes at times the moſt whimſical ſhapes, and all theſe perhaps ſucceſſively in the ſame morning. The Blue ridge of mountains comes into view, in the North Eaſt, at about 100 miles diſtance, and, approaching in a direct line, paſſes by within 20 miles, and goes off to the South-weſt. This phænomenon begins to ſhew itſelf on theſe mountains, at about 50 miles diſtance, and continues beyond that as far as they are ſeen. I remark no particular ſtate, either in the weight, moiſture, or heat of the atmoſphere, neceſſary to produce this. The only conſtant circumſtances are, its appearance in the morning only, and on objects at leaſt 40 or 50 miles diſtant. In this latter circumſtance, if not in both, it differs from the looming on the water. Refraction will not account for this metamorphoſis. That only changes the proportions of length and breadth,

breadth, baſe and altitude, preſerving the general outlines. Thus it may make a circle appear elliptical, raiſe or depreſs a cone, but by none of its laws, as yet developed, will it make a circle appear a ſquare, or a cone a ſphere.

QUERY VIII.

THE number of its inhabitants? Population.

The following table ſhews the number of perſons imported for the eſtabliſhment of our colony in its infant ſtate, and the cenſus of inhabitants at different periods, extracted from our hiſtorians and public records, as particularly as I have had opportunities and leiſure to examine them. Succeſſive lines in the ſame year ſhew ſucceſſive periods of time in that year. I have ſtated the cenſus in two different columns, the whole inhabitants having been ſometimes numbered, and ſometimes the *tythes* only. This term, with us, includes the free males above 16 years of age, and ſlaves above that age of both ſexes. A further examination of our records would render this hiſtory of our population much more ſatisfactory and perfect, by furniſhing a greater number of intermediate terms.

Thoſe

Thoſe however which are here ſtated will enable us to calculate, with a conſiderable degree of preciſion, the rate at which we have increaſed. During the infancy of the colony, while numbers were ſmall, wars, importations, and other accidental circumſtances render the progreſſion fluctuating and irregular. By the year 1654, however, it becomes tolerably uniform, importations having in a great meaſure ceaſed from the diſſolution of the company, and the inhabitants become too numerous to be ſenſibly affected by Indian wars. Beginning

Years	Settlers imported.	Cenſus of Inhabitants.	Cenſus of Tythes.
1607	100		
		40	
	120		
1608		130	
	70		
1609		490	
	16		
		60	
1610	150		
		200	
1611	3 ſhip loads		
	300		
1612	80		
1617		400	
1618	200		
	40		
		600	
1619	1216		
1621	1300		
1622		3800	
		2500	
1628		3000	
1632			2000
1644			4822
1645			5000
1652			7000
1654			7209
1700			22,000
1748			82,100
1759			105,000
1772			153,000
1782		567,614	

ginning at that period, therefore, we find that from thence to the year 1772, our tythes had increaſed from 7209 to 153,000. The whole term being of 118 years, yields a duplication once in every 27¼ years. The intermediate enumerations taken in 1700, 1748, and 1759, furniſh proofs of the uniformity of this progreſſion. Should this rate of increaſe continue, we ſhall have between ſix and ſeven millions of inhabitants within 95 years. If we ſuppoſe our country to be bounded, at ſome future day, by the meridian of the mouth of the Great Kanhaway, (within which it has been before conjectured, are 64,491 ſquare miles) there will then be 100 inhabitants for every ſquare mile, which is nearly the ſtate of population in the Britiſh iſlands.

Here I will beg leave to propoſe a doubt. The preſent deſire of America is to produce rapid population by as great importations of foreigners as poſſible. But is this founded in good policy? The advantage propoſed is the multiplication of numbers. Now let us ſuppoſe (for example only) that, in this ſtate, we could double our numbers in one year by the importation of foreigners; and this is a greater acceſſion than the moſt ſanguine advocate for emigration has a right to expect. Then I ſay, beginning with a double ſtock,

we

we ſhall attain any given degree of population only 27 years and 3 months ſooner than if we proceed on our ſingle ſtock. If we propoſe four millions and a half as a competent population for this ſtate, we ſhould be 54½ years attaining it, could we at once double our numbers; and 81¾ years, if we rely on natural propagation, as may be ſeen by the following table.

	Proceeding on our preſent ſtock.	Proceeding on a double ſtock.
1781	567,614	1,135,228
1808½	1,135,228	2,270,456
1835¾	2,270,456	4,540,912
1862¼	4,540,912	

In the firſt column are ſtated periods of 27¼ years; in the ſecond are our numbers, at each period, as they will be if we proceed on our actual ſtock; and in the third are what they would be, at the ſame periods, were we to ſet out from the double of our preſent ſtock. I have taken the term of four millions and a half of inhabitants for example's ſake only. Yet I am perſuaded it is a greater number than the country ſpoken of, conſidering how much inarrable land it contains, can clothe and feed, without a material change in the quality of their diet. But are there no inconveniences to be thrown into the

the ſcale againſt the advantage expected from a multiplication of numbers by the importation of foreigners? It is for the happineſs of thoſe united in ſociety to harmonize as much as poſſible in matters which they muſt of neceſſity tranſact together. Civil government being the ſole object of forming ſocieties, its adminiſtration muſt be conducted by common conſent. Every ſpecies of government has its ſpecific principles. Ours perhaps are more peculiar than thoſe of any other in the univerſe. It is a compoſition of the freeſt principles of the Engliſh conſtitution, with others derived from natural right and natural reaſon. To theſe nothing can be more oppoſed than the maxims of abſolute monarchies. Yet, from ſuch, we are to expect the greateſt number of emigrants. They will bring with them the principles of the governments they leave, imbibed in their early youth; or, if able to throw them off, it will be in exchange for an unbounded licentiouſneſs, paſſing, as is uſual, from one extreme to another. It would be a miracle were they to ſtop preciſely at the point of temperate liberty. Theſe principles, with their language, they will tranſmit to their children. In proportion to their numbers, they will ſhare with us the legiſlation. They will infuſe into it

their

their ſpirit, warp and bias its direction, and render it a heterogeneous, incoherent, diſtracted maſs. I may appeal to experience, during the preſent conteſt, for a verification of theſe conjectures. But, if they be not certain in event, are they not poſſible, are they not probable? Is it not ſafer to wait with patience 27 years and three months longer, for the attainment of any degree of population deſired, or expected? May not our government be more homogeneous, more peaceable, more durable? Suppoſe 20 millions of republican Americans thrown all of a ſudden into France, what would be the condition of that kingdom? If it would be more turbulent, leſs happy, leſs ſtrong, we may believe that the addition of half a million of foreigners to our preſent numbers would produce a ſimilar effect here. If they come of themſelves, they are entitled to all the rights of citizenſhip: but I doubt the expediency of inviting them by extraordinary encouragements. I mean not that theſe doubts ſhould be extended to the importation of uſeful artificers. The policy of that meaſure depends on very different conſiderations. Spare no expence in obtaining them. They will after a while go to the plough and the hoe; but, in the mean time, they will teach us ſomething we do not know. It is not ſo

in

in agriculture. The indifferent ſtate of that among us does not proceed from a want of knowledge merely; it is from our having ſuch quantities of land to waſte as we pleaſe. In Europe the object is to make the moſt of their land, labour being abundant: here it is to make the moſt of our labour, land being abundant.

It will be proper to explain how the numbers for the year 1782 have been obtained; as it was not from a perfect cenſus of the inhabitants. It will at the ſame time develope the proportion between the free inhabitants and ſlaves. The following return of taxable articles for that year was given in.

53,289	free males above 21 years of age.
211,698	ſlaves of all ages and ſexes.
23,766	not diſtinguiſhed in the returns, but ſaid to be titheable ſlaves.
195,439	horſes.
609,734	cattle.
5,126	wheels of riding-carriages.
191	taverns.

There were no returns from the 8 counties of Lincoln, Jefferſon, Fayette, Monongalia, Yohogania, Ohio, Northampton, and York. To find the number of ſlaves which ſhould have

have been returned instead of the 23,766 titheables, we must mention that some observations on a former census had given reason to believe that the numbers above and below 16 years of age were equal. The double of this number, therefore, to wit, 47,532 must be added to 211,698, which will give us 259,230 slaves of all ages and sexes. To find the number of free inhabitants, we must repeat the observation, that those above and below 16 are nearly equal. But as the number 53,289 omits the males between 16 and 21, we must supply them from conjecture. On a former experiment it had appeared that about one-third of our militia, that is, of the males between 16 and 50, were unmarried. Knowing how early marriage takes place here, we shall not be far wrong in supposing that the unmarried part of our militia are those between 16 and 21. If there be young men who do not marry till after 21, there are as many who marry before that age. But as the men above 50 were not included in the militia, we will suppose the unmarried, or those between 16 and 21, to be one-fourth of the whole number above 16, then we have the following calculation:

53,289

53,289 free males above 21 years of age.
17,763 free males between 16 and 21.
71,052 free males under 16.
142,104 free females of all ages.

284,208 free inhabitants of all ages.
259,230 ſlaves of all ages.

543,438 inhabitants, excluſive of the 8 counties from which were no returns. In theſe 8 counties in the years 1779 and 1780 were 3,161 militia. Say then,

3,161 free males above the age of 16.
3,161 ditto under 16.
6,322 free females.

12,644 free inhabitants in theſe 8 counties. To find the number of ſlaves, ſay, as 284,208 to 259,230, ſo is 12,644 to 11,532. Adding the third of theſe numbers to the firſt, and the fourth to the ſecond, we have,

296,852 free inhabitants.
270,762 ſlaves.

567,614 inhabitants of every age, ſex, and condition. But 296,852, the number of free inhabitants, are to 270,762, the number of ſlaves, nearly as 11 to 10. Under the mild treatment our ſlaves experience, and their wholeſome, though coarſe, food, this blot in our country increaſes as faſt, or faſter, than

the whites. During the regal government, we had at one time obtained a law, which impoſed ſuch a duty on the importation of ſlaves, as amounted nearly to a prohibition, when one inconſiderate aſſembly, placed under a peculiarity of circumſtance, repealed the law. This repeal met a joyful ſanction from the then ſovereign, and no devices, no expedients, which could ever after be attempted by ſubſequent aſſemblies, and they ſeldom met without attempting them, could ſucceed in getting the royal aſſent to a renewal of the duty. In the very firſt ſeſſion held under the republican government, the aſſembly paſſed a law for the perpetual prohibition of the importation of ſlaves. This will in ſome meaſure ſtop the increaſe of this great political and moral evil, while the minds of our citizens may be ripening for a complete emancipation of human nature.

QUERY IX.

Military. THE number and condition of the militia and regular troops, and their pay?

The following is a ſtate of the militia, taken from returns of 1780 and 1781, except in thoſe counties marked with an aſteriſk, the returns from which are ſomewhat older.

Situation.	Counties.	Militia.
Weſtward of the Allegany. 4458.	Lincoln	600
	Jefferſon	300
	Fayette	156
	Ohio	
	Monongalia	*1000
	Waſhington	*829
	Montgomery	1071
	Green-briar	502
Between the Allegany and Blue ridge. 7673.	Hampſhire	930
	Berkeley	*1100
	Frederick	1143
	Shenando	*925
	Rockingham	875
	Auguſta	1375
	Rockbridge	*625
	Botetourt	*700
Between the Blue ridge and Tide waters. 18,828.	Loudoun	1746
	Fauquier	1078
	Culpeper	1513
	Spotſylvania	480
	Orange	*600
	Louiſa	603
	Goochland	*550
	Fluvanna	*296
	Albemarle	873
	Amherſt	896
	Buckingham	*625
	Bedford	1300
	Henry	1004
	Pittſylvania	*725
	Halifax	*1139
	Charlotte	612
	Prince Edward	589
	Cumberland	408
	Powhatan	330
	Amelia	*1125
	Lunenburg	677
	Mecklenburg	1100
	Brunſwic	559

Situation.	Counties.	Militia.
On the Tide Waters and in that Parallel. 19,012. Between James river and Carolina. 6959.	Greeneſville	500
	Dinwiddie	*750
	Cheſterfield	635
	Prince George	382
	Surry	380
	Suſſex	*700
	Southampton	874
	Iſle of Wight	*600
	Nanſemond	*644
	Norfolk	*880
	Princeſs Anne	*594
Between James and Yorkrivers. 3009.	Henrico	619
	Hanover	796
	New Kent	*418
	Charles City	286
	James City	235
	Williamſburg	129
	York	*244
	Warwick	*100
	Elizabeth City	182
Between York and Rappahanock. 3269.	Caroline	805
	King William	436
	King & Queen	500
	Eſſex	468
	Middleſex	*210
	Glouceſter	850
Between Rappahanoc & Patowmac. 4137.	Fairfax	652
	Prince William	614
	Stafford	*500
	King George	483
	Richmond	412
	Weſtmoreland	544
	Northumberl.	630
	Lancaſter	302
Eaſt. Shore. 1638.	Accomac	*1208
	Northampton	*430
Whole Militia of the State		49,971

Every able-bodied freeman, between the ages of 16 and 50, is enrolled in the militia. Thoſe of every county are formed into companies, and theſe again into one or more battalions, according to the numbers in the county. They are commanded by colonels,

and other ſubordinate officers, as in the regular ſervice. In every county is a county-lieutenant, who commands the whole militia of his county, but ranks only as a colonel in the field. We have no general officers always exiſting. Theſe are appointed occaſionally, when an invaſion or inſurrection happens, and their commiſſion determines with the occaſion. The governor is head of the military, as well as civil power. The law requires every militia-man to provide himſelf with the arms uſual in the regular ſervice. But this injunction was always indifferently complied with, and the arms they had have been ſo frequently called for to arm the regulars, that in the lower parts of the country they are entirely diſarmed. In the middle country a fourth or fifth part of them may have ſuch firelocks as they had provided to deſtroy the noxious animals which infeſt their farms; and on the weſtern ſide of the Blue ridge they are generally armed with rifles. The pay of our militia, as well as of our regulars, is that of the Continental regulars. The condition of our regulars, of whom we have none but Continentals, and part of a battalion of ſtate troops, is ſo conſtantly on the change, that a ſtate of it at this day would not be its ſtate a month hence. It is much the ſame with the condi-

tion

tion of the other Continental troops, which is well enough known.

QUERY X.

THE marine? Marine.

Before the preſent invaſion of this ſtate by the Britiſh under the command of General Phillips, we had three veſſels of 16 guns, one of 14, five ſmall gallies, and two or three armed boats. They were generally ſo badly manned as ſeldom to be in condition for ſervice. Since the perfect poſſeſſion of our rivers aſſumed by the enemy, I believe we are left with a ſingle armed boat only.

QUERY XI.

A DESCRIPTION of the Indians eſtabliſhed in that ſtate? Aborigines

When the firſt effectual ſettlement of our colony was made, which was in 1607, the country from the ſea-coaſt to the mountains, and from Patowmac to the moſt ſouthern waters of James river, was occupied by upwards of forty different tribes of Indians. Of theſe the *Powhatans*, the *Mannahoacs*, and

Monacans, were the moſt powerful. Thoſe between the ſea-coaſt and falls of the rivers, were in amity with one another, and attached to the *Powhatans* as their link of union. Thoſe between the falls of the rivers and the mountains, were divided into two confederacies; the tribes inhabiting the head waters of Patowmac and Rappahanoc being attached to the *Mannahoacs*; and thoſe on the upper parts of James river to the *Monacans*. But the *Monacans* and their friends were in amity with the *Mannahoacs* and their friends, and waged joint and perpetual war againſt the *Powhatans*. We are told that the *Powhatans*, *Mannahoacs*, and *Monacans*, ſpoke languages ſo radically different, that interpreters were neceſſary when they tranſacted buſineſs. Hence we may conjecture, that this was not the caſe between all the tribes, and probably that each ſpoke the language of the nation to which it was attached; which we know to have been the caſe in many particular inſtances. Very poſſibly there may have been antiently three different ſtocks, each of which multiplying in a long courſe of time, had ſeparated into ſo many little ſocieties. This practice reſults from the circumſtance of their having never ſubmitted themſelves to any laws, any coercive power, any ſhadow of government. Their only controuls are their manners,

manners, and that moral ſenſe of right and wrong, which, like the ſenſe of taſting and feeling, in every man makes a part of his nature. An offence againſt theſe is puniſhed by contempt, by excluſion from ſociety, or, where the caſe is ſerious, as that of murder, by the individuals whom it concerns. Imperfect as this ſpecies of coercion may ſeem, crimes are very rare among them: inſomuch that were it made a queſtion, whether no law, as among the ſavage Americans, or too much law, as among the civilized Europeans, ſubmits man to the greateſt evil, one who has ſeen both conditions of exiſtence would pronounce it to be the laſt: and that the ſheep are happier of themſelves, than under care of the wolves. It will be ſaid, that great ſocieties cannot exiſt without government. The Savages therefore break them into ſmall ones.

The territories of the *Powhatan* confederacy, ſouth of the Patowmac, comprehended about 8000 ſquare miles, 30 tribes, and 2400 warriors. Capt. Smith tells us, that within 60 miles of James town were 5000 people, of whom 1500 were warriors. From this we find the proportion of their warriors to their whole inhabitants, was as 3 to 10. The *Powhatan* confederacy then would conſiſt of

about 8000 inhabitants, which was one for every ſquare mile; being about the twentieth part of our preſent population in the ſame territory, and the hundredth of that of the Britiſh iſlands.

Beſides theſe, were the *Nottoways*, living on Nottoway river, the *Meherrins* and *Tuteloes* on Meherrin river, who were connected with the Indians of Carolina, probably with the Chowanocs.

NORTH.

WEST.

	MANNAHOACS.				
	TRIBES.	COUNTRY.	CHIEF TOWN.	WARRIORS. 1607	WARRIORS. 1669
Between PATOWMAC and RAPPAHANOC.	Whonkenties	Fauquier			
	Tegninaties	Culpeper			
	Ontponies	Orange			
	Tauxitanians	Fauquier			
	Haſſinungaes	Culpeper			
Between RAPPAHANOC and YORK.	Stegarakies	Orange			
	Shackakonies	Spotſylvania			
	Mannahoacs	Stafford Spotſylvania			
	MONACANS.				
Between YORK and JAMES.	Monacans	James R. above the falls	Fork of James R.		30
	Monaſiccapanoes	Louiſa. Fluvanna			
Between JAMES and CAROLINA.	Monahaſſanoes	Bedford. Buckingham			
	Maſſinacacs	Cumberland			
	Mohemenchoes	Powhatan			
EASTERN SHORE.					

EAST.

	POWHATANS.					
	TRIBES.	COUNTRY.	CHIEF TOWN.	WARRIORS. 1607	WARRIORS. 1669	
	Tauxenents	Fairfax	About General Waſhington's	40		
	Patówomekes	Stafford. King George	Patowmac creek	200		By the name of Matchotics. U. Matchodic. Nanzaticos. Nanzatico. Appamatox Matox.
	Cuttatawomans	King George	About Lamb creek	20	60	
	Piſſaſecs	King Geo. Richmond	Above Leeds town	—		
	Onaumanients	Weſtmoreland	Nomony river	100		
	Rappahànocs	Richmond county	Rappahanoc creek	100	30	
	Moràughtacunds	Lancaſter. Richmond	Moratico river	80	40	by the name of Totuſkeys.
	Secacaonies	Northumberland	Coan river	30		
	Wighcocòmicoes	Northumberland	Wicocomico river	130	70	
	Cuttatawomans	Lancaſter	Corotoman	30		
	Nantaughtacunds	Eſſex. Caroline	Port tobacco creek	150	60	
	Màttapomènts	Mattapony river	- - - - -	30	20	
	Pamùnkies	King William	Romuncock	300	50	
	Wèrowocòmicos	Glouceſter	About Roſewell	40		
	Payànkatanks	Piankatank river	Turk's Ferry. Grimeſby	55		
	Youghtanunds	Pamunkey river	- - - - -	60		
	Chickahòminies	Chickahominy river	Orapaks	250	60	
	Powhatàns	Henrico	Powhatan. Mayo's	40	10	
	Arrowhàtocs	Henrico	Arrohatocs	30		
	Wèanocs	Charles city	Weynoke	100	15	
	Paſpahèghes	Charles city. James city	Sandy point	40		
	Chiſkiacs	York	Chiſkiac	45	15	
	Kecoughtáns	Elizabeth city	Roſcows	20		
	Appamàttocs	Cheſterfield	Bermuda hundred	60	50	1669
	Quiocohànocs	Surry	About Upper Chipoak	25	3 Pohics	Nottoways 90
	Wàrraſqeaks	Iſle of Wight	Warraſqueac			Meherrics 50
	Nanſamònds	Nanſamond	About the mouth of Weſt. branch	200	45	Tuteloes
	Chèſapeaks	Princeſs Anne	About Lynhaven river	100		
	Accohanocs	Accom. Northampton	Accohanoc river	40		
	Accomàcks	Northampton	About Cheriton's	80		

This Table to be placed between Pages 152 and 153.

SOUTH.

The preceding table contains a ſtate of theſe ſeveral tribes, according to their confederacies and geographical ſituation, with their numbers when we firſt became acquainted with them, where theſe numbers are known. The numbers of ſome of them are again ſtated as they were in the year 1669, when an attempt was made by the aſſembly to enumerate them. Probably the enumeration is imperfect, and in ſome meaſure conjectural, and that a further ſearch into the records would furniſh many more particulars. What would be the melancholy ſequel of their hiſtory, may however be augured from the cenſus of 1669; by which we diſcover that the tribes therein enumerated were, in the ſpace of 62 years, reduced to about one-third of their former numbers. Spirituous liquors, the ſmall-pox, war, and an abridgment of territory, to a people who lived principally on the ſpontaneous productions of nature, had committed terrible havock among them, which generation, under the obſtacles oppoſed to it among them, was not likely to make good. That the lands of this country were taken from them by conqueſt, is not ſo general a truth as is ſuppoſed. I find in our hiſtorians and records, repeated proofs of purchaſe, which cover a conſiderable part of the lower country; and many more

more would doubtleſs be found on further ſearch. The upper country we know has been acquired altogether by purchaſes made in the moſt unexceptionable form.

Weſtward of all theſe tribes, beyond the mountains, and extending to the great lakes, were the *Maſſawomecs*, a moſt powerful confederacy, who harraſſed unremittingly the *Powhatans* and *Manahoacs*. Theſe were probably the anceſtors of the tribes known at preſent by the name of the *Six Nations*.

Very little can now be diſcovered of the ſubſequent hiſtory of theſe tribes ſeverally. The *Chickahominies* removed, about the year 1661, to Mattapony river. Their chief, with one from each of the tribes of the Pamunkies and Mattaponies, attended the treaty of Albany in 1685. This ſeems to have been the laſt chapter in their hiſtory. They retained however their ſeparate name ſo late as 1705, and were at length blended with the Pamunkies and Mattaponies, and exiſt at preſent only under their names. There remain of the *Mattaponies* three or four men only, and they have more negro than Indian blood in them. They have loſt their language, have reduced themſelves, by voluntary ſales, to about fifty acres of land, which lie on the river of their own name, and have, from time to time, been joining the Pamunkies, from

whom they are diſtant but 10 miles. The *Pamunkies* are reduced to about 10 or 12 men, tolerably pure from mixture with other colours. The older ones among them preſerve their language in a ſmall degree, which are the laſt veſtiges on earth, as far as we know, of the Powhatan language. They have about 300 acres of very fertile land, on Pamunkey river, ſo encompaſſed by water that a gate ſhuts in the whole. Of the *Nottoways*, not a male is left. A few women conſtitute the remains of that tribe. They are ſeated on Nottoway river, in Southampton county, on very fertile lands. At a very early period, certain lands were marked out and appropriated to theſe tribes, and were kept from encroachment by the authority of the laws. They have uſually had truſtees appointed, whoſe duty was to watch over their intereſts, and guard them from inſult and injury.

The *Monacans* and their friends, better known latterly by the name of *Tuſcaroras*, were probably connected with the Maſſawomecs, or Five Nations. For though we are * told their languages were ſo different that the intervention of interpreters was neceſſary between them, yet do we alſo † learn that the Erigas, a nation formerly inhabiting

* Smith. † Evans.

on

on the Ohio, were of the ſame original ſtock with the Five Nations, and that they partook alſo of the Tuſcarora language. Their dialects might, by long ſeparation, have become ſo unlike as to be unintelligible to one another. We know that in 1712, the Five Nations received the Tuſcaroras into their confederacy, and made them the Sixth Nation. They received the Meherrins and Tuteloes alſo into their protection: and it is moſt probable, that the remains of many other of the tribes, of whom we find no particular account, retired weſtwardly in like manner, and were incorporated with one or other of the weſtern tribes. (5)

I know of no ſuch thing exiſting as an Indian monument: for I would not honour with that name arrow points, ſtone hatchets, ſtone pipes, and half-ſhapen images. Of labour on the large ſcale, I think there is no remain as reſpectable as would be a common ditch for the draining of lands: unleſs indeed it be the Barrows, of which many are to be found all over this country. Theſe are of different ſizes, ſome of them conſtructed of earth, and ſome of looſe ſtones. That they were repoſitories of the dead, has been obvious to all: but on what particular occaſion conſtructed, was matter of doubt. Some have thought they covered the bones of thoſe who have

have fallen in battles fought on the ſpot of interment. Some aſcribed them to the cuſtom, ſaid to prevail among the Indians, of collecting, at certain periods, the bones of all their dead, whereſoever depoſited at the time of death. Others again ſuppoſed them the general ſepulchres for towns, conjectured to have been on or near theſe grounds; and this opinion was ſupported by the quality of the lands in which they are found, (thoſe conſtructed of earth being generally in the fofteſt and moſt fertile meadow-grounds on river ſides) and by a tradition, ſaid to be handed down from the Aboriginal Indians, that, when they ſettled in a town, the firſt perſon who died was placed erect, and earth put about him, ſo as to cover and ſupport him; that, when another died, a narrow paſſage was dug to the firſt, the ſecond reclined againſt him, and the cover of earth replaced, and ſo on. There being one of theſe in my neighbourhood, I wiſhed to ſatisfy myſelf whether any, and which of theſe opinions were juſt. For this purpoſe I determined to open and examine it thoroughly. It was ſituated on the low grounds of the Rivanna, about two miles above its principal fork, and oppoſite to ſome hills, on which had been an Indian town. It was of a ſpheroidical form, of about 40 feet diameter at the baſe,

and had been of about twelve feet altitude, though now reduced by the plough to ſeven and a half, having been under cultivation about a dozen years. Before this it was covered with trees of twelve inches diameter, and round the baſe was an excavation of five feet depth and width, from whence the earth had been taken of which the hillock was formed. I firſt dug ſuperficially in ſeveral parts of it, and came to collections of human bones, at different depths, from ſix inches to three feet below the ſurface. Theſe were lying in the utmoſt confuſion, ſome vertical, ſome oblique, ſome horizontal, and directed to every point of the compaſs, entangled, and held together in cluſters by the earth. Bones of the moſt diſtant parts were found together, as, for inſtance, the ſmall bones of the foot in the hollow of a ſcull, many ſculls would ſometimes be in contact, lying on the face, on the ſide, on the back, top or bottom, ſo as, on the whole, to give the idea of bones emptied promiſcuouſly from a bag or baſket, and covered over with earth, without any attention to their order. The bones of which the greateſt numbers remained, were ſculls, jaw-bones, teeth, the bones of the arms, thighs, legs, feet, and hands. A few ribs remained, ſome vertebræ of the neck and ſpine, without their proceſſes, and

one

one inſtance only of the * bone which ſerves as a baſe to the vertebral column. The ſculls were ſo tender, that they generally fell to pieces on being touched. The other bones were ſtronger. There were ſome teeth which were judged to be ſmaller than thoſe of an adult; a ſcull, which, on a ſlight view, appeared to be that of an infant, but it fell to pieces on being taken out, ſo as to prevent ſatisfactory examination; a rib, and a fragment of the under-jaw of a perſon about half grown; another rib of an infant; and part of the jaw of a child, which had not yet cut its teeth. This laſt furniſhing the moſt deciſive proof of the burial of children here, I was particular in my attention to it. It was part of the right-half of the under-jaw. The proceſſes, by which it was articulated to the temporal bones, were entire; and the bone itſelf firm to where it had been broken off, which, as nearly as I could judge, was about the place of the eye-tooth. Its upper edge, wherein would have been the ſockets of the teeth, was perfectly ſmooth. Meaſuring it with that of an adult, by placing their hinder proceſſes together, its broken end extended to the penultimate grinder of the adult. This bone was white, all the others of a ſand colour. The bones of infants being

* The os ſacrum.

ſoft,

ſoft, they probably decay ſooner, which might be the cauſe ſo few were found here. I proceeded then to make a perpendicular cut through the body of the barrow, that I might examine its internal ſtructure. This paſſed about three feet from its center, was opened to the former ſurface of the earth, and was wide enough for a man to walk through and examine its ſides. At the bottom, that is, on the level of the circumjacent plain, I found bones; above theſe a few ſtones, brought from a cliff a quarter of a mile off, and from the river one-eighth of a mile off; then a large interval of earth, then a ſtratum of bones, and ſo on. At one end of the ſection were four ſtrata of bones plainly diſtinguiſhable; at the other, three; the ſtrata in one part not ranging with thoſe in another. The bones neareſt the ſurface were leaſt decayed. No holes were diſcovered in any of them, as if made with bullets, arrows, or other weapons. I conjectured that in this barrow might have been a thouſand ſkeletons. Every one will readily ſeize the circumſtances above related, which militate againſt the opinion, that it covered the bones only of perſons fallen in battle; and againſt the tradition alſo, which would make it the common ſepulchre of a town, in which the bodies were placed upright, and touching each other.

Appearances

Appearances certainly indicate that it has derived both origin and growth from the accuſtomary collection of bones, and depoſition of them together; that the firſt collection had been depoſited on the common ſurface of the earth, a few ſtones put over it, and then a covering of earth, that the ſecond had been laid on this, had covered more or leſs of it in proportion to the number of bones, and was then alſo covered with earth; and ſo on. The following are the particular circumſtances which give it this aſpect. 1. The number of bones. 2. Their confuſed poſition. 3. Their being in different ſtrata. 4. The ſtrata in one part having no correſpondence with thoſe in another. 5. The different ſtates of decay in theſe ſtrata, which ſeem to indicate a difference in the time of inhumation. 6. The exiſtence of infant bones among them.

But on whatever occaſion they may have been made, they are of conſiderable notoriety among the Indians: for a party paſſing, about thirty years ago, through the part of the country where this barrow is, went through the woods directly to it, without any inſtructions or enquiry, and having ſtaid about it ſome time, with expreſſions which were conſtrued to be thoſe of ſorrow, they returned to the high road, which they had

left about half a dozen miles to pay this viſit, and purſued their journey. There is another barrow, much reſembling this in the low grounds of the South branch of Shenandoah, where it is croſſed by the road leading from the Rock-fiſh gap to Staunton. Both of theſe have, within theſe dozen years, been cleared of their trees and put under cultivation, are much reduced in their height, and ſpread in width, by the plough, and will probably diſappear in time. There is another on a hill in the Blue ridge of mountains, a few miles North of Wood's gap, which is made up of ſmall ſtones thrown together. This has been opened and found to contain human bones, as the others do. There are alſo many others in other parts of the country.

Great queſtion has ariſen from whence came thoſe aboriginal inhabitants of America? Diſcoveries, long ago made, were ſufficient to ſhew that a paſſage from Europe to America was always practicable, even to the imperfect navigation of ancient times. In going from Norway to Iceland, from Iceland to Groenland, from Groenland to Labrador, the firſt traject is the wideſt: and this having been practiſed from the earlieſt times of which we have any account of that part of the earth, it is not difficult to ſuppoſe

poſe that the ſubſequent trajects may have been ſometimes paſſed. Again, the late diſcoveries of Captain Cook, coaſting from Kamſchatka to California, have proved that, if the two continents of Aſia and America be ſeparated at all, it is only by a narrow ſtreight. So that from this ſide alſo, inhabitants may have paſſed into America: and the reſemblance between the Indians of America and the Eaſtern inhabitants of Aſia, would induce us to conjecture, that the former are the deſcendants of the latter, or the latter of the former: excepting indeed the Eſkimaux, who, from the ſame circumſtance of reſemblance, and from identity of language, muſt be derived from the Groenlanders, and theſe probably from ſome of the northern parts of the old continent. A knowledge of their ſeveral languages would be the moſt certain evidence of their derivation which could be produced. In fact, it is the beſt proof of the affinity of nations which ever can be referred to. How many ages have elapſed ſince the Engliſh, the Dutch, the Germans, the Swiſs, the Norwegians, Danes and Swedes have ſeparated from their common ſtock? Yet how many more muſt elapſe before the proofs of their common origin, which exiſt in their ſeveral languages, will diſappear? It is to be lamented then, very much to be lamented,

that we have ſuffered ſo many of the Indian tribes already to extinguiſh, without our having previouſly collected and depoſited in the records of literature, the general rudiments at leaſt of the languages they ſpoke. Were vocabularies formed of all the languages ſpoken in North and South America, preſerving their appellations of the moſt common objects in nature, of thoſe which muſt be preſent to every nation barbarous or civiliſed, with the inflections of their nouns and verbs, their principles of regimen and concord, and theſe depoſited in all the public libraries, it would furniſh opportunities to thoſe ſkilled in the languages of the old world to compare them with theſe, now, or at any future time, and hence to conſtruct the beſt evidence of the derivation of this part of the human race.

But imperfect as is our knowledge of the tongues ſpoken in America, it ſuffices to diſcover the following remarkable fact. Arranging them under the radical ones to which they may be palpably traced, and doing the ſame by thoſe of the red men of Aſia, there will be found probably twenty in America, for one in Aſia, of thoſe radical languages, ſo called becauſe, if they were ever the ſame, they have loſt all reſemblance to one another. A ſeparation into dialects

may be the work of a few ages only, but for two dialects to recede from one another till they have loſt all veſtiges of their common origin, muſt require an immenſe courſe of time; perhaps not leſs than many people give to the age of the earth. A greater number of thoſe radical changes of language having taken place among the red men of America, proves them of greater antiquity than thoſe of Aſia.

I will now proceed to ſtate the nations and numbers of the Aborigines which ſtill exiſt in a reſpectable and independant form. And as their undefined boundaries would render it difficult to ſpecify thoſe only which may be within any certain limits, and it may not be unacceptable to preſent a more general view of them, I will reduce within the form of a Catalogue all thoſe within, and circumjacent to, the United States, whoſe names and numbers have come to my notice. Theſe are taken from four different liſts, the firſt of which was given in the year 1759 to General Stanwix by George Croghan, Deputy agent for Indian affairs under Sir William Johnſon; the ſecond was drawn up by a French trader of conſiderable note, reſident among the Indians many years, and annexed to Colonel Bouquet's printed account of his expedition in 1764. The third was made

out by Captain Hutchins, who visited most of the tribes, by order, for the purpose of learning their numbers in 1768. And the fourth by John Dodge, an Indian trader, in 1779, except the numbers marked*, which are from other information.

TRIBES.

Northward and Weſtward of the United States.

TRIBES.	Croghan. 1759.	Bouquet. 1764.	Hutchins. 1768.	Where they reſide.
Oſwegatchies	— —	— —	100	At Swagatchy, on the river St. Laurence
Connaſedagoes	— —	— —	300	Near Montreal
Cohunnewagoes	— —	200		
Orondocs	— —	— —	100	Near Trois Rivieres
Abenakies	— —	350	150	Near Trois Rivieres
Little Algonkins	— —	— —	100	Near Trois Rivieres
Michmacs	— —	700	— —	River St. Laurence
Ameliſtes	— —	550	— —	River St. Laurence
Chalas	— —	130	— —	River St. Laurence
Nipiſſins	— —	400	— —	Towards the heads of the Ottawas river
Algonquins	— —	300	— —	Towards the heads of the Ottawas river
Round heads	— —	2500	— —	Riviere aux Tetes boules on the Eaſt ſide of Lake Superior
Meſſaſagues	— —	2000	— —	Lakes Huron and Superior
Chriſtinaux. Kris	— —	3000	— —	Lake Chriſtinaux.

Northward and Westward of the United States.

TRIBES.	Croghan. 1759.	Bouquet. 1764.	Hutchins. 1768.	Where they reside.
Assinaboes	— —	1500	— —	Lake Assinaboes
Blancs, or Barbus	— —	1500	— —	
Sioux of the Meadows	10,000	2500	10,000	On the heads of the Mississipi and Westward of that river
Sioux of the Woods		1800		
Sioux		—		
Ajoues	— —	1100	— —	North of the Padoucas
Panis. White	— —	2000	— —	South of the Missouri
Panis. Freckled	— —	1700	— —	South of the Missouri
Padoucas	— —	500	— —	South of the Missouri
Grandes eaux	— —	1000	— —	
Canses	— —	1600	— —	South of the Missouri
Osages	— —	600	— —	South of the Missouri
Missouris	400	3000	— —	On the river Missouri
Arkanzas	— —	2000	— —	On the river Arkanzas
Caouitas	— —	700	— —	East of the Alibamous

Within the Limits of the United States.

TRIBES.	Croghan. 1759.	Bouquet. 1764.	Hutchins. 1768.	Dodge. 1779.	Where they reside.
Mohocks	—	— —	160	100	Mohocks river.
Onèidas	—	— —	300	400	E. side of Oneida L. and head branches of Susquehanna.
Tuscaròras	—	— —	200		Between the Oneidas and Onondagoes.
Onondàgoes	—	1550	260	230	Near Onondago L.
Cayùgas	—	— —	200	220	On the Cayuga L. near the N. branch of Susquehanna.
Sènecas	—	— —	1000	650	On the waters of Susquehanna, of Ontario, and the heads of the Ohio.
Aughquàgahs	—	— —	150	—	East branch of Susquehanna, and on Aughquagah.
Nánticocs	—	— —	100	—	Utsanango, Chaghtnet, and Owegy, on the East branch of Susquehanna.
Mohìccons	—	— —	100	—	In the same parts.
Conòies	—	— —	30	—	In the same parts.
Sapòonies	—	— —	30	—	At Diahago and other villages up the N. branch of Susquehanna.
Mùnsies	—	— —	150	*150	At Diahago and other villages up the N. branch of Susquehanna.

Within the Limits of the United States.

TRIBES.	Croghan. 1759.	Bouquet. 1764.	Hutchins. 1768.	Dodge. 1779.	Where they reside.
Delawares, or Linnelinopies	—	—	150		At Diahago and other villages up the N. branch of Susquehanna.
Delawares, or Linnelinopies	600	600	600	*500	Between Ohio and L. Erie and the branches of Beaver creek, Cayahoga and Muskingham.
Shàwanees	400	500	300	300	Sioto and the branches of Muskingham.
Mingoes	—	—	— —	60	On a branch of Sioto.
Mohiccons	—	—		*60	
Cohunnewagos	—	—	300	—	Near Sandusky.
Wyandots	300	300			
Wyandots			250	180	Near Fort St. Joseph's and Detroit.
Twightwees	300	—	250	—	Miami river near Fort Miami.
Miamis	—	350	— —	300	Miami river, about Fort St. Joseph.
Ouiàtonons	200	400	300	*300	On the banks of the Wabash, near Fort Ouiatonon.
Piànkishas	300	250	300	*400	On the banks of the Wabash, near Fort Ouiatonon.
Shàkies	—	—	200	—	On the banks of the Wabash, near Fort Ouiatonon,

Within the Limits of the United States.

TRIBES.	Croghan. 1759.	Bouquet. 1764.	Hutchins. 1768.	Dodge. 1779.	Where they reside.
Kaſkaſkias	—	600	300	—	Near Kaſkaſkia.
Illinois	400		300	—	Near Cahokia. Qu. If not the ſame with the Mitchigamis?
Piorias	—	800	— —	—	On the Illinois R. called Pianrias, but ſuppoſed to mean Piorias.
Pouteòtamies	—	350	300	450	Near St. Joſeph's and Fort Detroit.
Ottàwas	—	—	550	*300	Near St. Joſeph's and Fort Detroit.
Chippawas	—	—	200	—	On Saguinam bay of Lake Huron.
Ottawas	—	—		—	On Saguinam bay of Lake Huron.
Chippawas	—	—	400	—	Near Michillimakinac.
Ottawas	2000	5900	250	5450	Near Michillimakinac.
Chippawas			400		Near Fort St. Mary's on Lake Superior.
Chippawas	—	—	— —	—	Several other villages along the banks of Lake Superior. Numbers unknown.
Chippawas	—	—	— —	—	Near Puans bay, on Lake Michigan.
Shakies	200	400	550	—	Near Puans bay, on Lake Michigan.
Mynonàmies	—	—	— —	—	Near Puans bay, on Lake Michigan.
Ouiſconſings	—	550	— —	—	Ouiſconſing River.

Within the Limits of the United States.

TRIBES.	Croghan. 1759.	Bouquet. 1764.	Hutchins. 1768.	Dodge. 1779.	Where they reside.
Kickapous	600	300	— —	250	On Lake Michigan, and between that and the Miſſiſipi.
Otogamies. Foxes	—	—	— —	—	
Màſcoutens	—	500	4000	—	
Miſcòthins	—	—		—	
Outimacs	—	—	— —	—	
Muſquakies	200	250	— —	250	
Sioux. Eaſtern	—	—	— —	500	On the Eaſtern heads of Miſſiſipi, and the iſlands of Lake Superior.
			Galphin. 1768.		
Cherokees	1500	2500	3000	—	Weſtern parts of North Carolina.
Chickaſaws	—	750	500	—	Weſtern parts of Georgia.
Catawbas	—	150	— —	—	On the Catawba R. in S. Carolina.
Chacktaws	2000	4500	6000	—	Weſtern parts of Georgia.
Upper Creeks	—	—	3000	—	Weſtern parts of Georgia.
Lower Creeks	—	1180		—	
Natchez	—	150	— —	—	
Alibamous	—	600	— —	—	Alibama R. in the Weſtern parts of Georgia.

The following tribes are alſo mentioned:

Croghan's catal.	Lezar ——	400	From the mouth of Ohio to the mouth of Wabaſh.
	Webings —	200	On the Miſſiſipi below the Shakies.
	Ouſaſoys. GrandTuc.	4000	On White creek, a branch of the Miſſiſipi.
	Linways —	1000	On the Miſſiſipi.
Bouquet's.	Les Puans —	700	Near Puans bay.
	Folle avoine -	350	Near Puans bay.
	Ouanakina —	300	Conjectured to be tribes of the creeks.
	Chiakaneſſou	350	
	Machecous -	800	
	Souikilas —	200	
Dodge's.	Mineamis -	2000	North-weſt of L. Michigan, to the heads of Miſſiſipi, and up to L. Superior.
	Piankiſhas Maſcoutins Vermillions	800	On and near the Wabaſh, towards the Illinois.

But, apprehending theſe might be different appellations for ſome of the tribes already enumerated, I have not inſerted them in the table, but ſtate them ſeparately as worthy of further inquiry. The variations obſervable in numbering the ſame tribe may ſometimes be aſcribed to imperfect information, and ſometimes to a greater or leſs comprehenſion of ſettlements under the ſame name. (7)

QUERY

QUERY XII.

Counties. Towns.

A NOTICE of the counties, cities, townſhips, and villages?

The counties have been enumerated under Query IX. They are 74 in number, of very unequal ſize and population. Of theſe 35 are on the tide waters, or in that parallel; 23 are in the Midlands, between the tide waters and Blue ridge of mountains; 8 between the Blue ridge and Alleghaney; and 8 weſtward of the Alleghaney.

The ſtate, by another diviſion, is formed into pariſhes, many of which are commenſurate with the counties: but ſometimes a county comprehends more than one pariſh, and ſometimes a pariſh more than one county. This diviſion had relation to the religion of the ſtate, a Parſon of the Anglican church, with a fixed ſalary, having been heretofore eſtabliſhed in each pariſh. The care of the poor was another object of the parochial diviſion.

We have no townſhips. Our country being much interſected with navigable waters, and trade brought generally to our doors, inſtead of our being obliged to go in queſt of it, has probably been one of the cauſes why we have no towns of any conſequence.

quence. Williamſburgh, which, till the year 1780, was the ſeat of our government, never contained above 1800 inhabitants; and Norfolk, the moſt populous town we ever had, contained but 6000. Our towns, but more properly our villages or hamlets, are as follows.

On *James river* and its waters, Norfolk, Portſmouth, Hampton, Suffolk, Smithfield, Williamſburgh, Peterſburg, Richmond the ſeat of our government, Mancheſter, Charlotteſville, New London.

On *York river* and its waters, York, Newcaſtle, Hanover.

On *Rappahannoc*, Urbanna, Portroyal, Frederickſburg, Falmouth.

On *Patowmac* and its waters, Dumfries, Colcheſter, Alexandria, Wincheſter, Staunton.

On *Ohio*, Louiſville.

There are other places at which, like ſome of the foregoing, the *laws* have ſaid there ſhall be towns; but *Nature* has ſaid there ſhall not, and they remain unworthy of enumeration. *Norfolk* will probably be the emporium for all the trade of the Cheſapeak bay and its waters; and a canal of 8 or 10 miles will bring to it all that of Albemarle ſound and its waters. Secondary to to this place, are the towns at the head of the

the tidewaters, to wit, Peterſburgh on Appamattox, Richmond on James river, Newcaſtle on York river, Alexandria on Patowmac, and Baltimore on the Patapſco. From theſe the diſtribution will be to ſubordinate ſituations in the country. Accidental circumſtances however may controul the indications of nature, and in no inſtances do they do it more frequently than in the riſe and fall of towns.

QUERY XIII.

Conſtitution.

THE conſtitution of the ſtate, and its ſeveral charters?

Queen Elizabeth by her letters-patent, bearing date March 25, 1584, licenſed Sir Walter Raleigh to ſearch for remote heathen lands, not inhabited by Chriſtian people, and granted to him, in fee ſimple, all the ſoil within 200 leagues of the places where his people ſhould, within 6 years, make their dwellings or abidings; reſerving only, to herſelf and her ſucceſſors, their allegiance and one fifth part of all the gold and ſilver ore they ſhould obtain. Sir Walter immediately ſent out two ſhips which viſited Wococon iſland in North Carolina, and the

next year diſpatched ſeven with 107 men, who ſettled in Roanoke iſland, about latitude 35°. 50′. Here Okiſko, king of the Weopomeiocs, in a full council of his people, is ſaid to have acknowledged himſelf the homager of the Queen of England, and, after her, of Sir Walter Raleigh. A ſupply of 50 men were ſent in 1586, and 150 in 1587. With theſe laſt, Sir Walter ſent a Governor, appointed him twelve aſſiſtants, gave them a charter of incorporation, and inſtructed them to ſettle on Cheſapeak bay. They landed however at Hatoraſk. In 1588, when a fleet was ready to ſail with a new ſupply of coloniſts and neceſſaries, they were detained by the Queen to aſſiſt againſt the Spaniſh Armada. Sir Walter having now expended 40,000 l. in theſe enterprizes, obſtructed occaſionally by the crown, without a ſhilling of aid from it, was under a neceſſity of engaging others to adventure their money. He therefore, by deed bearing date the 7th of March 1589, by the name of Sir Walter Raleigh, Chief Governor of Aſſamàcomòc, (probably Acomàc), alias Wingadacoia, alias Virginia, granted to Thomas Smith and others, in conſideration of their adventuring certain ſums of money, liberty of trade to his new country, free from all cuſtoms and taxes for ſeven

years, excepting the fifth part of the gold and ſilver ore to be obtained; and ſtipulated with them, and the other aſſiſtants, then in Virginia, that he would confirm the deed of incorporation which he had given in 1587, with all the prerogatives, juriſdictions, royalties and privileges granted to him by the Queen. Sir Walter, at different times, ſent five other adventures hither, the laſt of which was in 1602: for in 1603 he was attainted, and put into cloſe impriſonment, which put an end to his cares over his infant colony. What was the particular fate of the coloniſts he had before ſent and ſeated, has never been known: whether they were murdered, or incorporated with the ſavages.

Some gentlemen and merchants, ſuppoſing that by the attainder of Sir Walter Raleigh the grant to him was forfeited, not enquiring over carefully whether the ſentence of an Engliſh court could affect lands not within the juriſdiction of that court, petitioned king James for a new grant of Virginia to them. He accordingly executed a grant to Sir Thomas Gates and others, bearing date the 9th of March 1607, under which, in the ſame year a ſettlement was effected at James-town and ever after maintained. Of this grant however no particular

cular notice need be taken, as it was ſuperſeded by letters-patent of the ſame king, of May 23, 1609, to the Earl of Saliſbury and others, incorporating them by the name of 'the Treaſurer and Company of adventurers 'and planters of the City of London for 'the firſt colony in Virginia,' granting to them and their ſucceſſors all the lands in Virginia from Point Comfort along the ſea coaſt to the northward 200 miles, and from the ſame point along the ſea coaſt to the ſouthward 200 miles, and all the ſpace from this precinct on the ſea coaſt up into the land, Weſt and North-weſt, from ſea to ſea, and the iſlands within one hundred miles of it, with all the commodities, juriſdictions, royalties, privileges, franchiſes and pre-eminences within the ſame, and thereto and thereabouts, by ſea and land, appertaining, in as ample manner as had before been granted to any adventurer: to be held of the king and his ſucceſſors, in common ſoccage, yielding one fifth part of the gold and ſilver ore to be therein found, for all manner of ſervices; eſtabliſhing a council in England for the direction of the enterpriſe, the members of which were to be choſen and diſplaced by the voice of the majority of the company and adventurers, and were to have the nomination and revocation of

governors, officers, and miniſters, which by them ſhould be thought needful for the colony, the power of eſtabliſhing laws and forms of government and magiſtracy, obligatory not only within the colony, but alſo on the ſeas in going and coming to and from it; authoriſing them to carry thither any perſons who ſhould conſent to go, freeing them for ever from all taxes and impoſitions on any goods or merchandize on importation into the colony, or exportation out of it, except the five per cent. due for cuſtom on all goods imported into the Britiſh dominions, according to the ancient trade of merchants; which five per cent. only being paid, they might, within 13 months, re-export the ſame goods into foreign parts, without any cuſtom, tax, or other duty, to the king or any his officers or deputies: with powers of waging war againſt thoſe who ſhould annoy them: giving to the inhabitants of the colony all the rights of natural ſubjects, as if born and abiding in England; and declaring that theſe letters ſhould be conſtrued, in all doubtful parts, in ſuch manner as ſhould be moſt for the benefit of the grantees.

Afterwards, on the 12th of March 1612, by other letters-patent, the king added to his former grants, all iſlands in any part of the ocean between the 30th and 41ſt degrees of latitude,

latitude, and within 300 leagues of any of the parts before granted to the Treaſurer and company, not being poſſeſſed or inhabited by any other chriſtian prince or ſtate, nor within the limits of the northern colony.

In purſuance of the authorities given to the company by theſe charters, and more eſpecially of that part in the charter of 1609, which authoriſed them to eſtabliſh a form of government, they on the 24th of July 1621, by charter under their common ſeal, declared that from thenceforward there ſhould be two ſupreme councils in Virginia, the one to be called the council of ſtate, to be placed and diſplaced by the treaſurer, council in England, and company, from time to time, whoſe office was to be that of aſſiſting and adviſing the governor; the other to be called the general aſſembly, to be convened by the governor once yearly or oftener, which was to conſiſt of the council of ſtate, and two burgeſſes out of every town, hundred, or plantation, to be reſpectively choſen by the inhabitants. In this all matters were to be decided by the greater part of the votes preſent; reſerving to the governor a negative voice; and they were to have power to treat, conſult, and conclude all emergent occaſions concerning the public weal, and to make laws for the behoof and govern-

ment of the colony, imitating and following the laws and policy of England as nearly as might be: providing that these laws should have no force till ratified in a general quarter court of the company in England, and returned under their common seal, and declaring that, after the government of the colony should be well framed and settled, no orders of the council in England should bind the colony unless ratified in the said general assembly. The king and company quarrelled, and, by a mixture of law and force, the latter were ousted of all their rights, without retribution, after having expended 100,000l. in establishing the colony, without the smallest aid from government. King James suspended their powers by proclamation of July 15, 1624, and Charles I. took the government into his own hands. Both sides had their partisans in the colony: but in truth the people of the colony in general thought themselves little concerned in the dispute. There being three parties interested in these several charters, what passed between the first and second it was thought could not affect the third. If the king seized on the powers of the company, they only passed into other hands, without increase or diminution, while the rights of the people remained as they were. But they did not remain

remain so long. The northern parts of their country were granted away to the Lords Baltimore and Fairfax, the first of these obtaining also the rights of separate jurisdiction and government. And in 1650 the parliament, considering itself as standing in the place of their deposed king, and as having succeeded to all his powers, without as well as within the realm, began to assume a right over the colonies, passing an act for inhibiting their trade with foreign nations. This succession to the exercise of the kingly authority gave the first colour for parliamentary interference with the colonies, and produced that fatal precedent which they continued to follow after they had retired, in other respects, within their proper functions. When this colony, therefore, which still maintained its opposition to Cromwell and the parliament, was induced in 1651 to lay down their arms, they previously secured their most essential rights, by a solemn convention, which having never seen in print, I will here insert literally from the records.

'ARTICLES agreed on & concluded at 'James Cittie in Virginia for the surrender- 'ing and settling of that plantation under 'ye obedience & goverment of the common 'wealth of England by the Commissioners 'of the Councill of state by authoritie of

‘ the parliamt. of England & by the Grand
‘ assembly of the Governour, Councill &
‘ Burgesses of that countrey.

‘ Firſt it is agreed and conſted that the
‘ plantation of Virginia, and all the inhabi-
‘ tants thereof ſhall be and remaine in due,
‘ obedience and ſubjection to the Comon
‘ wealth of England, according to ye lawes
‘ there eſtabliſhed, and that this ſubmiſſion
‘ and ſubſcription bee acknowledged a vo-
‘ luntary act not forced nor conſtrained by
‘ a conqueſt upon the countrey, and that
‘ they ſhall have & enjoy ſuch freedomes
‘ and priviledges as belong to the free borne
‘ people of England, and that the former
‘ government by the Comiſſions and In-
‘ ſtructions be void and null.

‘ 2ly, Secondly that the Grand assembly
‘ as formerly ſhall convene & tranſact the
‘ affairs of Virginia wherein nothing is to be
‘ acted or done contrarie to the government
‘ of the Comon wealth of England & the
‘ lawes there eſtabliſhed.

‘ 3ly, That there ſhall be a full & totall
‘ remiſſion and indempnitie of all acts, words,
‘ or writeings done or ſpoken againſt the
‘ parliament of England in relation to the
‘ ſame.

‘ 4ly, That Virginia ſhall have & enjoy
‘ ye antient bounds and Lymitts granted by

‘ the

‘ the charters of the former kings, and that
‘ we ſhall ſeek a new charter from the par-
‘ liament to that purpoſe againſt any that
‘ have intrencht upon $\frac{e}{y}$ rights thereof.

‘ 5ly, That all the pattents of land granted
‘ under the collony ſeale by any of the pre-
‘ cedent governours ſhall be & remaine in
‘ their full force & ſtrength.

‘ 6ly, That the priviledge of haveing ffif-
‘ tie acres of land for every perſon tranſ-
‘ ported in that collonie ſhall continue as
‘ formerly granted.

‘ 7ly, That $\frac{e}{y}$ people of Virginia have free
‘ trade as $\frac{e}{y}$ people of England do enjoy to all
‘ places and with all nations according to $\frac{e}{y}$
‘ lawes of that common wealth, and that
‘ Virginia ſhall enjoy all priviledges equall
‘ with any Engliſh plantations in America.

‘ 8ly, That Virginia ſhall be free from all
‘ taxes, cuſtoms & impoſitions whatſoever,
‘ & none to be impoſed on them without
‘ conſent of the Grand aſſembly, And ſoe
‘ that neither ffortes nor caſtles bee erected
‘ or garriſons maintained without their con-
‘ ſent.

‘ 9ly, That noe charge ſhall be required
‘ from this country in reſpect of this pre-
‘ ſent ffleet.

‘ 10ly, That for the future ſettlement of
‘ the countrey in their due obedience, the

‘ Engagement

‘ Engagement ſhall be tendred to all $\overset{e}{y}$ inha-
‘ bitants according to act of parliament made
‘ to that purpoſe, that all perſons who ſhall
‘ refuſe to ſubſcribe the ſaid engagement,
‘ ſhall have a yeare's time if they pleaſe to
‘ remove themſelves & their eſtates out of
‘ Virginia, and in the mean time during
‘ the ſaid yeare to have equall juſtice as
‘ formerly.

‘ 11ly, That $\overset{e}{y}$ uſe of the booke of com-
‘ mon prayer ſhall be permitted for one yeare
‘ enſueinge with referrence to the conſent of
‘ $\overset{e}{y}$ major part of the pariſhes, provided that
‘ thoſe things which relate to kingſhipp or
‘ that government be not uſed publiquely,
‘ and the continuance of miniſters in their
‘ places, they not miſdemeaning themſelves,
‘ and the payment of their accuſtomed dues
‘ and agreements made with them reſpec-
‘ tively ſhall be left as they now ſtand dure-
‘ ing this enſueing yeare.

‘ 12ly, That no man's cattell ſhall be
‘ queſtioned as $\overset{e}{y}$ companies unles ſuch as
‘ have been entruſted with them or have
‘ diſpoſed of them without order.

‘ 13ly, That all ammunition, powder &
‘ armes, other then for private uſe, ſhall
‘ be delivered up, ſecuritie being given to
‘ make ſatisfaction for it.

‘ 14ly,

'14ly, That all goods allreadie brought 'hither by ye Dutch or others which are now 'on ſhoar ſhall be free from ſurprizall.

'15ly, That the quittrents granted unto 'us by the late kinge for ſeaven yeares bee 'confirmed.

'16ly, That ye commiſſioners for the par-'liament ſubſcribeing theſe articles engage 'themſelves & the honour of the parlia-'ment for the full performance thereof: and 'that the preſent governour & ye councill '& the burgeſſes do likewiſe ſubſcribe & 'engage the whole collony on their parts.

RICH. BENNETT.———Seale.
WM. CLAIBORNE.———Seale.
EDMOND CURTIS.———Seale.

'Theiſe articles were ſigned & ſealed by 'the Commiſſioners of the Councill of ſtate 'for the Commonwealth of England the 'twelveth day of March 1651.'

Then follow the articles ſtipulated by the governor and council, which relate merely to their own perſons and property, and then the enſuing inſtrument:

'An act of indempnitie made att the ſur-'render of the countrey.

'Whereas by the authoritie of the par-'liament of England wee the commiſſioners 'appointed by the councill of ſtate autho-'rized thereto having brought a fleete & 'force

‘ force before James cittie in Virginia to re-
‘ duce that collonie under the obedience of
‘ the commonwealth of England, & finde-
‘ ing force raiſed by the Governour & coun-
‘ trey to make oppoſition againſt the ſaid
‘ ffleet whereby aſſured danger appearinge
‘ of the ruine & deſtruction of $^{e}_{y}$ plantation,
‘ for prevention whereof the Burgeſſes of all
‘ the ſeverall plantations being called to ad-
‘ viſe & aſſiſt therein, uppon long & ſerious
‘ debate, and in ſad contemplation of the
‘ greate miſeries & certaine deſtruction which
‘ were ſoe neerely hovering over the whole
‘ countrey; Wee the ſaid Comiſſioners have
‘ thought fitt & condeſcended and granted
‘ to ſigne & confirme under our hands,
‘ ſeales, & by our oath, Articles bearinge
‘ date with theiſe preſents, and do further
‘ declare that by $^{e}_{y}$ authoritie of the par-
‘ liament & commonwealth of England de-
‘ rived unto us theire Comiſſioners, that ac-
‘ cording to the articles in generall wee have
‘ granted an act of indempnitie and oblivion
‘ to all the inhabitants of this colloney from
‘ all words, actions, or writings that have
‘ been ſpoken acted or writt againſt the par-
‘ liament or commonwealth of England or
‘ any other perſon from the beginning of
‘ the world to this daye. And this wee
‘ have done that all the inhabitants of the
‘ collonie

'collonie may live quietly & ſecurely under 'the comonwealth of England. And wee do 'promiſe that the parliament and common-'wealth of England ſhall confirme & make 'good all thoſe tranſactions of ours. Witt-'nes our hands & ſeales this 12th of March '1651. Richard Bennett—Seale. W^m. Clai-'borne—Seale. Edm. Curtis—Seale.'

The colony ſuppoſed, that, by this ſolemn convention, entered into with arms in their hands, they had ſecured the * antient limits of their country, † its free trade, its exemption from ‡ taxation but by their own aſſembly, and excluſion of § military force from among them. Yet in every of theſe points was this convention violated by ſubſequent kings and parliaments, and other infractions of their conſtitution, equally dangerous, committed. Their General Aſſembly, which was compoſed of the council of ſtate and burgeſſes, ſitting together and deciding by plurality of voices, was ſplit into two houſes, by which the council obtained a ſeparate negative on their laws. Appeals from their ſupreme court, which had been fixed by law in their General Aſſembly, were arbitrarily revoked to England, to be there heard before the king and council. Inſtead of four hundred miles on the ſea coaſt, they

* Art. 4. † Art. 7. ‡ Art. 8. § Art. 8.

were

were reduced, in the ſpace of thirty years, to about one hundred miles. Their trade with foreigners was totally ſuppreſſed, and, when carried to Great-Britain, was there loaded with impoſts. It is unneceſſary, however, to glean up the ſeveral inſtances of injury, as ſcattered through American and Britiſh hiſtory, and the more eſpecially as, by paſſing on to the acceſſion of the preſent king, we ſhall find ſpecimens of them all, aggravated, multiplied and crouded within a ſmall compaſs of time, ſo as to evince a fixed deſign of conſidering our rights natural, conventional and chartered as mere nullities. The following is an epitome of the firſt fifteen years of his reign. The colonies were taxed internally and externally; their eſſential intereſts ſacrificed to individuals in Great-Britain; their legiſlatures ſuſpended; charters annulled; trials by juries taken away; their perſons ſubjected to tranſportation acroſs the Atlantic, and to trial before foreign judicatories; their ſupplications for redreſs thought beneath anſwer; themſelves publiſhed as cowards in the councils of their mother country and courts of Europe; armed troops ſent among them to enforce ſubmiſſion to theſe violences; and actual hoſtilities commenced againſt them. No alternative was preſented but reſiſtance, or unconditional

ditional ſubmiſſion. Between theſe could be no heſitation. They cloſed in the appeal to arms. They declared themſelves independent States. They confederated together into one great republic; thus ſecuring to every ſtate the benefit of an union of their whole force. In each ſtate ſeparately a new form of government was eſtabliſhed. Of ours particularly the following are the outlines. The executive powers are lodged in the hands of a governor, choſen annually, and incapable of acting more than three years in ſeven. He is aſſiſted by a council of eight members. The judiciary powers are divided among ſeveral courts, as will be hereafter explained. Legiſlation is exerciſed by two houſes of aſſembly, the one called the houſe of Delegates, compoſed of two members from each county, choſen annually by the citizens poſſeſſing an eſtate for life in 100 acres of uninhabited land, or 25 acres with a houſe on it, or in a houſe or lot in ſome town: the other called the Senate, conſiſting of 24 members, choſen quadrennially by the ſame electors, who for this purpoſe are diſtributed into 24 diſtricts. The concurrence of both houſes is neceſſary to the paſſage of a law. They have the appointment of the governor and council, the judges of the ſuperior courts, auditors, at-

torney-general, treaſurer, regiſter of the land office, and delegates to congreſs. As the diſmemberment of the ſtate had never had its confirmation, but, on the contrary, had always been the ſubject of proteſtation and complaint, that it might never be in our own power to raiſe ſcruples on that ſubject, or to diſturb the harmony of our new confederacy, the grants to Maryland, Pennſylvania, and the two Carolinas, were ratified.

This conſtitution was formed when we were new and unexperienced in the ſcience of government. It was the firſt too which was formed in the whole United States. No wonder then that time and trial have diſcovered very capital defects in it.

1. The majority of the men in the ſtate, who pay and fight for its ſupport, are unrepreſented in the legiſlature, the roll of freeholders intitled to vote, not including generally the half of thoſe on the roll of the militia, or of the tax-gatherers.

2. Among thoſe who ſhare the repreſentation, the ſhares are very unequal. Thus the county of Warwick, with only one hundred fighting men, has an equal repreſentation with the county of Loudon, which has 1746. So that every man in Warwick has as much influence in the government as 17 men in Loudon. But leſt it ſhould be thought that

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an equal interſperſion of ſmall among large counties, through the whole ſtate, may prevent any danger of injury to particular parts of it, we will divide it into diſtricts, and ſhew the proportions of land, of fighting men, and of repreſentation in each.

	Square miles.	Fighting men.	Delegates	Senators.
Between the ſea-coaſt and falls of the rivers - - -	*11,205	19,012	71	12
Between the falls of the rivers and the Blue ridge of mountains	18,759	18,828	46	8
Between the Blue ridge and the Alleghaney - - -	11,911	7,673	16	2
Between the Alleghaney and Ohio	†79,650	4,458	16	2
Total - -	121,525	49,971	149	24

An inſpection of this table will ſupply the place of commentaries on it. It will appear at once that nineteen thouſand men, living below the falls of the rivers, poſſeſs half the ſenate, and want four members only of poſſeſſing a majority of the houſe of delegates; a want more than ſupplied by the vicinity of their ſituation to the ſeat of government, and of courſe the greater degree of convenience and punctuality with which their members may and will attend in the legiſlature. Theſe nineteen thouſand, therefore, living in one part of the country, give

* Of theſe, 542 are on the Eaſtern ſhore.

† Of theſe, 22,616 are Eaſtward of the meridian of the mouth of the Great Kanhaway.

law to upwards of thirty thouſand, living in another, and appoint all their chief officers executive and judiciary. From the difference of their ſituation and circumſtances, their intereſts will often be very different.

3. The ſenate is, by its conſtitution, too homogeneous with the houſe of delegates. Being choſen by the ſame electors, at the ſame time, and out of the ſame ſubjects, the choice falls of courſe on men of the ſame deſcription. The purpoſe of eſtabliſhing different houſes of legiſlation is to introduce the influence of different intereſts or different principles. Thus in Great-Britain it is ſaid their conſtitution relies on the houſe of commons for honeſty, and the lords for wiſdom; which would be a rational reliance if honeſty were to be bought with money, and if wiſdom were hereditary. In ſome of the American ſtates the delegates and ſenators are ſo choſen, as that the firſt repreſent the perſons, and the ſecond the property of the ſtate. But with us, wealth and wiſdom have equal chance for admiſſion into both houſes. We do not therefore derive from the ſeparation of our legiſlature into two houſes, thoſe benefits which a proper complication of principles is capable of producing, and thoſe which alone can compenſate the evils which may be produced by their diſſenſions.

4. All

4. All the powers of government, legiſlative, executive, and judiciary, reſult to the legiſlative body. The concentrating theſe in the ſame hands is preciſely the definition of deſpotic government. It will be no alleviation that theſe powers will be exerciſed by a plurality of hands, and not by a ſingle one. 173 deſpots would ſurely be as oppreſſive as one. Let thoſe who doubt it turn their eyes on the republic of Venice. As little will it avail us that they are choſen by ourſelves. An *elective deſpotiſm* was not the government we fought for; but one which ſhould not only be founded on free principles, but in which the powers of government ſhould be ſo divided and balanced among ſeveral bodies of magiſtracy, as that no one could tranſcend their legal limits, without being effectually checked and reſtrained by the others. For this reaſon that convention, which paſſed the ordinance of government, laid its foundation on this baſis, that the legiſlative, executive and judiciary departments ſhould be ſeparate and diſtinct, ſo that no perſon ſhould exerciſe the powers of more than one of them at the ſame time. But no barrier was provided between theſe ſeveral powers. The judiciary and executive members were left dependant on the legiſlative, for their ſubſiſtence in office, and ſome of them for their

continuance in it. If therefore the legiſlature aſſumes executive and judiciary powers, no oppoſition is likely to be made; nor, if made, can it be effectual; becauſe in that caſe they may put their proceedings into the form of an act of aſſembly, which will render them obligatory on the other branches. They have accordingly, in many inſtances, decided rights which ſhould have been left to judiciary controverſy: and the direction of the executive, during the whole time of their ſeſſion, is becoming habitual and familiar. And this is done with no ill intention. The views of the preſent members are perfectly upright. When they are led out of their regular province, it is by art in others, and inadvertence in themſelves. And this will probably be the caſe for ſome time to come. But it will not be a very long time. Mankind ſoon learn to make intereſted uſes of every right and power which they poſſeſs, or may aſſume. The public money and public liberty, intended to have been depoſited with three branches of magiſtracy, but found inadvertently to be in the hands of one only, will ſoon be diſcovered to be ſources of wealth and dominion to thoſe who hold them; diſtinguiſhed too by this tempting circumſtance, that they are the inſtrument, as well as the object of acquiſition. With

money

money we will get men, ſaid Cæſar, and with men we will get money. Nor ſhould our aſſembly be deluded by the integrity of their own purpoſes, and conclude that theſe unlimited powers will never be abuſed, becauſe themſelves are not diſpoſed to abuſe them. They ſhould look forward to a time, and that not a diſtant one, when corruption in this, as in the country from which we derive our origin, will have ſeized the heads of government, and be ſpread by them through the body of the people; when they will purchaſe the voices of the people, and make them pay the price. Human nature is the ſame on every ſide of the Atlantic, and will be alike influenced by the ſame cauſes. The time to guard againſt corruption and tyranny, is before they ſhall have gotten hold on us. It is better to keep the wolf out of the fold, than to truſt to drawing his teeth and talons after he ſhall have entered. To render theſe conſiderations the more cogent, we muſt obſerve in addition,

5. That the ordinary legiſlature may alter the conſtitution itſelf. On the diſcontinuance of aſſemblies, it became neceſſary to ſubſtitute in their place ſome other body, competent to the ordinary buſineſs of government, and to the calling forth the powers of the ſtate for the maintenance of our oppo-

ſition to Great-Britain. Conventions were therefore introduced, conſiſting of two delegates from each county, meeting together and forming one houſe, on the plan of the former houſe of Burgeſſes, to whoſe places they ſucceeded. Theſe were at firſt choſen anew for every particular ſeſſion. But in March 1775, they recommended to the people to chuſe a convention, which ſhould continue in office a year. This was done accordingly in April 1775, and in the July following that convention paſſed an ordinance for the election of delegates in the month of April annually. It is well known, that in July 1775, a ſeparation from Great-Britain and eſtabliſhment of Republican government had never yet entered into any perſon's mind. A convention therefore, choſen under that ordinance, cannot be ſaid to have been choſen for purpoſes which certainly did not exiſt in the minds of thoſe who paſſed it. Under this ordinance, at the annual election in April 1776, a convention for the year was choſen. Independance, and the eſtabliſhment of a new form of government, were not even yet the objects of the people at large. One extract from the pamphlet called Common Senſe had appeared in the Virginia papers in February, and copies of the pamphlet itſelf had got into a few hands. But the idea

had not been opened to the maſs of the people in April, much leſs can it be ſaid that they had made up their minds in its favor. So that the electors of April 1776, no more than the legiſlators of July 1775, not thinking of independance and a permanent republic, could not mean to veſt in theſe delegates powers of eſtabliſhing them, or any authorities other than thoſe of the ordinary legiſlature. So far as a temporary organization of government was neceſſary to render our oppoſition energetic, ſo far their organization was valid. But they received in their creation no powers but what were given to every legiſlature before and ſince. They could not therefore paſs an act tranſcendant to the powers of other legiſlatures. If the preſent aſſembly paſs any act, and declare it ſhall be irrevocable by ſubſequent aſſemblies, the declaration is merely void, and the act repealable, as other acts are. So far, and no farther authorized, they organized the government by the ordinance entitled a Conſtitution or Form of government. It pretends to no higher authority than the other ordinances of the ſame ſeſſion; it does not ſay, that it ſhall be perpetual; that it ſhall be unalterable by other legiſlatures; that it ſhall be tranſcendant above the powers of thoſe, who they knew would have equal power with themſelves. Not only the ſilence of

the inſtrument is a proof they thought it would be alterable, but their own practice alſo: for this very convention, meeting as a Houſe of Delegates in General Aſſembly with the new Senate in the autumn of that year, paſſed acts of aſſembly in contradiction to their ordinance of government; and every aſſembly from that time to this has done the ſame. I am ſafe therefore in the poſition, that the conſtitution itſelf is alterable by the ordinary legiſlature. Though this opinion ſeems founded on the firſt elements of common ſenſe, yet is the contrary maintained by ſome perſons. 1. Becauſe, ſay they, the conventions were veſted with every power neceſſary to make effectual oppoſition to Great-Britain. But to complete this argument, they muſt go on, and ſay further, that effectual oppoſition could not be made to Great-Britain, without eſtabliſhing a form of government perpetual and unalterable by the legiſlature; which is not true. An oppoſition which at ſome time or other was to come to an end, could not need a perpetual inſtitution to carry it on: and a government, amendable as its defects ſhould be diſcovered, was as likely to make effectual reſiſtance, as one which ſhould be unalterably wrong. Beſides, the aſſemblies were as much veſted with all powers requiſite for reſiſtance

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as the conventions were. If therefore these powers included that of modelling the form of government in the one case, they did so in the other. The assemblies then as well as the conventions may model the government; that is, they may alter the ordinance of government. 2. They urge, that if the convention had meant that this instrument should be alterable, as their other ordinances were, they would have called it an ordinance: but they have called it a *constitution*, which ex vi termini means 'an act above the power of the ordinary legislature.' I answer, that *constitutio*, *constitutum*, *statutum*, *lex*, are convertible terms. '*Constitutio* dicitur jus quod a principe conditur.' '*Constitutum*, quod ab imperatoribus rescriptum statutumve est.' '*Statutum*, idem quod lex.' Calvini Lexicon juridicum. *Constitution* and *statute* were originally terms of the * civil law, and from thence introduced by Ecclesiastics into the English law. Thus in the statute 25 Hen. 8. c. 19. §. 1. '*Constitutions* and *ordinances*' are used as synonimous. The term *constitution* has many other significations in physics and in politics; but in Jurisprudence, whenever it is applied to any act of the legislature, it

* To *bid*, to *set*, was the antient legislative word of the English. Ll. Hlotharii & Eadrici. Ll. Inae. Ll. Eadwerdi. Ll. Aathelstani.

invariably

invariably means a ſtatute, law, or ordinance, which is the preſent caſe. No inference then of a different meaning can be drawn from the adoption of this title: on the contrary, we might conclude, that, by their affixing to it a term ſynonimous with ordinance, or ſtatute, they meant it to be an ordinance or ſtatute. But of what conſequence is their meaning, where their power is denied? If they meant to do more than they had power to do, did this give them power? It is not the name, but the authority which renders an act obligatory. Lord Coke ſays, 'an 'article of the ſtatute 11 R. 2. c. 5. that 'no perſon ſhould attempt to revoke any 'ordinance then made, is repealed, for that 'ſuch reſtraint is againſt the juriſdiction 'and power of the parliament.' 4. inſt. 42. and again, 'though divers parliaments have 'attempted to reſtrain ſubſequent parlia-'ments, yet could they never effect it; for 'the latter parliament hath ever power to 'abrogate, ſuſpend, qualify, explain, or 'make void the former in the whole or in 'any part thereof, notwithſtanding any words 'of reſtraint, prohibition, or penalty, in the 'former: for it is a maxim in the laws of 'the parliament, quod leges poſteriores 'priores contrarias abrogant.' 4. inſt. 43.— To get rid of the magic ſuppoſed to be in the

the word *conſtitution*, let us tranſlate it into its definition as given by thoſe who think it above the power of the law; and let us ſuppoſe the convention inſtead of ſaying, 'We, the ordinary legiſlature, eſtabliſh a *conſtitution*,' had ſaid, 'We, the ordinary legiſlature, eſtabliſh an act *above the power of the ordinary legiſlature*.' Does not this expoſe the abſurdity of the attempt? 3. But, ſay they, the people have acquieſced, and this has given it an authority ſuperior to the laws. It is true, that the people did not rebel againſt it: and was that a time for the people to riſe in rebellion? Should a prudent acquieſcence, at a critical time, be conſtrued into a confirmation of every illegal thing done during that period? Beſides, why ſhould they rebel? At an annual election, they had choſen delegates for the year, to exerciſe the ordinary powers of legiſlation, and to manage the great conteſt in which they were engaged. Theſe delegates thought the conteſt would be beſt managed by an organized government. They therefore, among others, paſſed an ordinance of government. They did not preſume to call it perpetual and unalterable. They well knew they had no power to make it ſo; that our choice of them had been for no ſuch purpoſe, and at a time when we could have no ſuch purpoſe in contemplation. Had an unalterable

unalterable form of government been meditated, perhaps we ſhould have choſen a different ſet of people. There was no cauſe then for the people to riſe in rebellion. But to what dangerous lengths will this argument lead? Did the acquieſcence of the colonies under the various acts of power exerciſed by Great-Britain in our infant ſtate, confirm theſe acts, and ſo far inveſt them with the authority of the people as to render them unalterable, and our preſent reſiſtance wrong? On every unauthoritative exerciſe of power by the legiſlature, muſt the people riſe in rebellion, or their ſilence be conſtrued into a ſurrender of that power to them? If ſo, how many rebellions ſhould we have had already? One certainly for every ſeſſion of aſſembly. The other ſtates in the Union have been of opinion, that to render a form of government unalterable by ordinary acts of aſſembly, the people muſt delegate perſons with ſpecial powers. They have accordingly choſen ſpecial conventions to form and fix their governments. The individuals then who maintain the contrary opinion in this country, ſhould have the modeſty to ſuppoſe it poſſible that they may be wrong and the reſt of America right. But if there be only a poſſibility of their being wrong, if only a plauſible doubt remains of the validity of

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the ordinance of government, is it not better to remove that doubt, by placing it on a bottom which none will diſpute? If they be right, we ſhall only have the unneceſſary trouble of meeting once in convention. If they be wrong, they expoſe us to the hazard of having no fundamental rights at all. True it is, this is no time for deliberating on forms of government. While an enemy is within our bowels, the firſt object is to expel him. But when this ſhall be done, when peace ſhall be eſtabliſhed, and leiſure given us for intrenching within good forms, the rights for which we have bled, let no man be found indolent enough to decline a little more trouble for placing them beyond the reach of queſtion. If any thing more be requiſite to produce a conviction of the expediency of calling a convention, at a proper ſeaſon, to fix our form of government, let it be the reflection,

6. That the aſſembly exerciſes a power of determining the Quorum of their own body which may legiſlate for us. After the eſtabliſhment of the new form they adhered to the *Lex majoris partis*, founded in * common law as well as common right. It is the † na-

* Bro. abr. Corporations. 31. 34. Hakewell, 93.

† Puff. Off. hom. l. 2. c. 6. §. 12.

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tural law of every aſſembly of men, whoſe numbers are not fixed by any other law. They continued for ſome time to require the preſence of a majority of their whole number, to paſs an act. But the Britiſh parliament fixes its own quorum: our former aſſemblies fixed their own quorum: and one precedent in favour of power is ſtronger than an hundred againſt it. The houſe of delegates therefore have ‡ lately voted that, during the preſent dangerous invaſion, forty members ſhall be a houſe to proceed to buſineſs. They have been moved to this by the fear of not being able to collect a houſe. But this danger could not authorize them to call that a houſe which was none: and if they may fix it at one number, they may at another, till it loſes its fundamental character of being a repreſentative body. As this vote expires with the preſent invaſion, it is probable the former rule will be permitted to revive: becauſe at preſent no ill is meant. The power however of fixing their own quorum has been avowed, and a precedent ſet. From forty it may be reduced to four, and from four to one: from a houſe to a committee, from a committee to a chairman or ſpeaker, and thus an oligarchy or monarchy be ſub-

‡ June 4, 1781.

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ſtituted under forms ſuppoſed to be regular. 'Omnia mala exempla ex bonis orta ſunt: 'ſed ubi imperium ad ignaros aut minus 'bonos pervenit, novum illud exemplum 'ab dignis et idoneis ad indignos et non 'idoneos fertur.' When therefore it is conſidered, that there is no legal obſtacle to the aſſumption by the aſſembly of all the powers legiſlative, executive, and judiciary, and that theſe may come to the hands of the ſmalleſt rag of delegation, ſurely the people will ſay, and their repreſentatives, while yet they have honeſt repreſentatives, will adviſe them to ſay, that they will not acknowledge as laws any acts not conſidered and aſſented to by the major part of their delegates.

In enumerating the defects of the conſtitution, it would be wrong to count among them what is only the error of particular perſons. In December 1776, our circumſtances being much diſtreſſed, it was propoſed in the houſe of delegates to create a *dictator*, inveſted with every power legiſlative, executive and judiciary, civil and military, of life and of death, over our perſons and over our properties: and in June 1781, again under calamity, the ſame propoſition was repeated, and wanted a few votes only of being paſſed.—One who entered into this conteſt from a pure love of liberty, and a

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ſenſe of injured rights, who determined to make every ſacrifice, and to meet every danger, for the re-eſtabliſhment of thoſe rights on a firm baſis, who did not mean to expend his blood and ſubſtance for the wretched purpoſe of changing this maſter for that, but to place the powers of governing him in a plurality of hands of his own choice, ſo that the corrupt will of no one man might in future oppreſs him, muſt ſtand confounded and diſmayed when he is told, that a conſiderable portion of that plurality had meditated the ſurrender of them into a ſingle hand, and, in lieu of a limited monarch, to deliver him over to a deſpotic one! How muſt we find his efforts and ſacrifices abuſed and baffled, if he may ſtill by a ſingle vote be laid proſtrate at the feet of one man! In God's name, from whence have they derived this power? It is from our ancient laws? None ſuch can be produced. Is it from any principle in our new conſtitution, expreſſed or implied? Every lineament of that expreſſed or implied, is in full oppoſition to it. Its fundamental principle is, that the ſtate ſhall be governed as a commonwealth. It provides a republican organization, proſcribes under the name of *prerogative* the exerciſe of all powers undefined by the laws; places on this baſis the whole

whole ſyſtem of our laws; and, by conſolidating them together, chuſes that they ſhall be left to ſtand or fall together, never providing for any circumſtances, nor admitting that ſuch could ariſe, wherein either ſhould be ſuſpended, no, not for a moment. Our antient laws expreſsly declare, that thoſe who are but delegates themſelves ſhall not delegate to others powers which require judgment and integrity in their exerciſe.—Or was this propoſition moved on a ſuppoſed right in the movers of abandoning their poſts in a moment of diſtreſs? The ſame laws forbid the abandonment of that poſt, even on ordinary occaſions; and much more a transfer of their powers into other hands and other forms, without conſulting the people. They never admit the idea that theſe, like ſheep or cattle, may be given from hand to hand without an appeal to their own will.—Was it from the neceſſity of the caſe? Neceſſities which diſſolve a government, do not convey its authority to an oligarchy or a monarchy. They throw back, into the hands of the people, the powers they had delegated, and leave them as individuals to ſhift for themſelves. A leader may offer, but not impoſe himſelf, nor be impoſed on them. Much leſs can their necks be ſubmitted to his ſword, their breath be held at

his will or caprice. The neceſſity which ſhould operate theſe tremendous effects ſhould at leaſt be palpable and irreſiſtible. Yet in both inſtances, where it was feared, or pretended with us, it was belied by the event. It was belied too by the preceding experience of our ſiſter ſtates, ſeveral of whom had grappled through greater difficulties without abandoning their forms of government. When the propoſition was firſt made, Maſſachuſets had found even the government of committees ſufficient to carry them through an invaſion. But we at the time of that propoſition were under no invaſion. When the ſecond was made, there had been added to this example thoſe of Rhode-Iſland, New-York, New-Jerſey, and Pennſylvania, in all of which the republican form had been found equal to the taſk of carrying them through the ſevereſt trials. In this ſtate alone did there exiſt ſo little virtue, that fear was to be fixed in the hearts of the people, and to become the motive of their exertions and the principle of their government? The very thought alone was treaſon againſt the people; was treaſon againſt mankind in general; as rivetting for ever the chains which bow down their necks, by giving to their oppreſſors a proof, which they would have trumpeted through the

univerſe,

univerſe, of the imbecility of republican government, in times of preſſing danger, to ſhield them from harm. Thoſe who aſſume the right of giving away the reins of government in any caſe, muſt be ſure that the herd, whom they hand on to the rods and hatchet of the dictator, will lay their necks on the block when he ſhall nod to them. But if our aſſemblies ſuppoſed ſuch a reſignation in the people, I hope they miſtook their character. I am of opinion, that the government, inſtead of being braced and invigorated for greater exertions under their difficulties, would have been thrown back upon the bungling machinery of county committees for adminiſtration, till a convention could have been called, and its wheels again ſet into regular motion. What a cruel moment was this for creating ſuch an embarraſſment, for putting to the proof the attachment of our countrymen to republican government! Thoſe who meant well, of the advocates for this meaſure, (and moſt of them meant well, for I know them perſonally, had been their fellow-labourers in the common cauſe, and had often proved the purity of their principles), had been ſeduced in their judgment by the example of an ancient republic, whoſe conſtitution and circumſtances were fundamentally different.

They had ſought this precedent in the hiſtory of Rome, where alone it was to be found, and where at length too it had proved fatal. They had taken it from a republic, rent by the moſt bitter factions and tumults, where the government was of a heavy-handed unfeeling ariſtocracy, over a people ferocious, and rendered deſperate by poverty and wretchedneſs; tumults which could not be allayed under the moſt trying circumſtances, but by the omnipotent hand of a ſingle deſpot. Their conſtitution therefore allowed a temporary tyrant to be erected, under the name of a Dictator; and that temporary tyrant, after a few examples, became perpetual. They miſapplied this precedent to a people, mild in their diſpoſitions, patient under their trial, united for the public liberty, and affectionate to their leaders. But if from the conſtitution of the Roman government there reſulted to their Senate a power of ſubmitting all their rights to the will of one man, does it follow, that the aſſembly of Virginia have the ſame authority? What clauſe in our conſtitution has ſubſtituted that of Rome, by way of reſiduary proviſion, for all caſes not otherwiſe provided for? Or if they may ſtep ad libitum into any other form of government for precedents to rule us by, for what oppreſ-

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ſion may not a precedent be found in this world of the bellum omnium in omnia?—Searching for the foundations of this propoſition, I can find none which may pretend a colour of right or reaſon, but the defect before developed, that there being no barrier between the legiſlative, executive, and judiciary departments, the legiſlature may ſeize the whole: that having ſeized it, and poſſeſſing a right to fix their own quorum, they may reduce that quorum to one, whom they may call a chairman, ſpeaker, dictator, or by any other name they pleaſe.—Our ſituation is indeed perilous, and I hope my countrymen will be ſenſible of it, and will apply, at a proper ſeaſon, the proper remedy; which is a convention to fix the conſtitution, to amend its defects, to bind up the ſeveral branches of government by certain laws, which when they tranſgreſs their acts ſhall become nullities; to render unneceſſary an appeal to the people, or in other words a rebellion, on every infraction of their rights, on the peril that their acquieſcence ſhall be conſtrued into an intention to ſurrender thoſe rights.

QUERY XIV.

Laws. THE adminiſtration of juſtice and deſcription of the laws?

The ſtate is divided into counties. In every county are appointed magiſtrates, called juſtices of the peace, uſually from eight to thirty or forty in number, in proportion to the ſize of the county, of the moſt diſcreet and honeſt inhabitants. They are nominated by their fellows, but commiſſioned by the governor, and act without reward. Theſe magiſtrates have juriſdiction both criminal and civil. If the queſtion before them be a queſtion of law only, they decide on it themſelves: but if it be of fact, or of fact and law combined, it muſt be referred to a jury. In the latter caſe, of a combination of law and fact, it is uſual for the jurors to decide the fact, and to refer the law ariſing on it to the deciſion of the judges. But this diviſion of the ſubject lies with their diſcretion only. And if the queſtion relate to any point of public liberty, or if it be one of thoſe in which the judges may be ſuſpected of bias, the jury undertake to decide both law and fact. If they be miſtaken, a deciſion againſt right, which is caſual only, is leſs dangerous to the ſtate, and

and leſs afflicting to the loſer, than one which makes part of a regular and uniform ſyſtem. In truth, it is better to toſs up croſs and pile in a cauſe, than to refer it to a judge whoſe mind is warped by any motive whatever, in that particular caſe. But the common ſenſe of twelve honeſt men gives ſtill a better chance of juſt deciſion, than the hazard of croſs and pile. Theſe judges execute their proceſs by the ſheriff or coroner of the county, or by conſtables of their own appointment. If any free perſon commit an offence againſt the commonwealth, if it be below the degree of felony, he is bound by a juſtice to appear before their court, to anſwer it on indictment or information. If it amount to felony, he is committed to jail, a court of theſe juſtices is called; if they on examination think him guilty, they ſend him to the jail of the general court, before which court he is to be tried firſt by a grand jury of 24, of whom 13 muſt concur in opinion: if they find him guilty, he is then tried by a jury of 12 men of the county where the offence was committed, and by their verdict, which muſt be unanimous, he is acquitted or condemned without appeal. If the criminal be a ſlave the trial by the county court is final. In every caſe however, except that of high treaſon, there reſides in the governor a

power of pardon. In high treaſon, the pardon can only flow from the general aſſembly. In civil matters theſe juſtices have juriſdiction in all caſes of whatever value, not appertaining to the department of the admiralty. This juriſdiction is twofold. If the matter in diſpute be of leſs value than $4\frac{1}{6}$ dollars, a ſingle member may try it at any time and place within his county, and may award execution on the goods of the party caſt. If it be of that or greater value, it is determinable before the county court, which conſiſts of four at the leaſt of thoſe juſtices, and aſſembles at the court-houſe of the county on a certain day in every month. From their determination, if the matter be of the value of ten pounds ſterling, or concern the title or bounds of lands, an appeal lies to one of the ſuperior courts.

There are three ſuperior courts, to wit, the high-court of chancery, the general court, and court of admiralty. The firſt and ſecond of theſe receive appeals from the county courts, and alſo have original juriſdiction where the ſubject of controverſy is of the value of ten pounds ſterling, or where it concerns the title or bounds of land. The juriſdiction of the admiralty is original altogether. The high-court of chancery is compoſed of three judges, the general court

of five, and the court of admiralty of three. The two firſt hold their ſeſſions at Richmond at ſtated times, the chancery twice in the year, and the general court twice for buſineſs civil and criminal, and twice more for criminal only. The court of admiralty ſits at Williamſburgh whenever a controverſy ariſes.

There is one ſupreme court, called the court of appeals, compoſed of the judges of the three ſuperior courts, aſſembling twice a year at ſtated times at Richmond. This court receives appeals in all civil caſes from each of the ſuperior courts, and determines them finally. But it has no original juriſdiction.

If a controverſy ariſe between two foreigners of a nation in alliance with the United States, it is decided by the Conſul for their State, or, if both parties chuſe it, by the ordinary courts of juſtice. If one of the parties only be ſuch a foreigner, it is triable before the courts of juſtice of the country. But if it ſhall have been inſtituted in a county court, the foreigner may remove it into the general court, or court of chancery, who are to determine it at their firſt ſeſſions, as they muſt alſo do if it be originally commenced before them. In caſes of life and death, ſuch foreigners have a right to be tried

tried by a jury, the one half foreigners, the other natives.

All public accounts are ſettled with a board of auditors, conſiſting of three members, appointed by the general aſſembly, any two of whom may act. But an individual, diſſatisfied with the determination of that board, may carry his caſe into the proper ſuperior court.

A deſcription of the laws.

The general aſſembly was conſtituted, as has been already ſhewn, by letters-patent of March the 9th, 1607, in the 4th year of the reign of James the Firſt. The laws of England ſeem to have been adopted by conſent of the ſettlers, which might eaſily enough be done whilſt they were few and living all together. Of ſuch adoption however we have no other proof than their practice, till the year 1661, when they were expreſsly adopted by an act of the aſſembly, except ſo far as 'a difference of condition' rendered them inapplicable. Under this adoption, the rule, in our courts of judicature was, that the common law of England, and the general ſtatutes previous to the 4th of James, were in force here; but that no ſubſequent ſtatutes were, *unleſs we were named in them*, ſaid the judges and other partiſans of the crown, but *named or not named*, ſaid thoſe who

who reflected freely. It will be unneceſſary to attempt a deſcription of the laws of England, as that may be found in Engliſh publications. To thoſe which were eſtabliſhed here, by the adoption of the legiſlature, have been ſince added a number of acts of aſſembly paſſed during the monarchy, and ordinances of convention and acts of aſſembly enacted ſince the eſtabliſhment of the republic. The following variations from the Britiſh model are perhaps worthy of being ſpecified.

Debtors unable to pay their debts, and making faithful delivery of their whole effects, are releaſed from confinement, and their perſons for ever diſcharged from reſtraint for ſuch previous debts: but any property they may afterwards acquire will be ſubject to their creditors.

The poor, unable to ſupport themſelves, are maintained by an aſſeſſment on the titheable perſons in their pariſh. This aſſeſſment is levied and adminiſtered by twelve perſons in each pariſh, called veſtrymen, originally choſen by the houſekeepers of the pariſh, but afterwards filling vacancies in their own body by their own choice. Theſe are uſually the moſt diſcreet farmers, ſo diſtributed through their pariſh, that every part of it may be under the immediate eye of ſome one of

of them. They are well acquainted with the details and œconomy of private life, and they find ſufficient inducements to execute their charge well, in their philanthropy, in the approbation of their neighbours, and the diſtinction which that gives them. The poor who have neither property, friends, nor ſtrength to labour, are boarded in the houſes of good farmers, to whom a ſtipulated ſum is annually paid. To thoſe who are able to help themſelves a little, or have friends from whom they derive ſome ſuccours, inadequate however to their full maintenance, ſupplementory aids are given, which enable them to live comfortably in their own houſes, or in the houſes of their friends. Vagabonds, without viſible property or vocation, are placed in workhouſes, where they are well cloathed, fed, lodged, and made to labour. Nearly the ſame method of providing for the poor prevails through all our ſtates; and from Savannah to Portſmouth you will ſeldom meet a beggar. In the larger towns indeed they ſometimes preſent themſelves. Theſe are uſually foreigners, who have never obtained a ſettlement in any pariſh. I never yet ſaw a native American begging in the ſtreets or highways. A ſubſiſtence is eaſily gained here: and if, by misfortunes, they are thrown on the charities of the world, thoſe

thoſe provided by their own country are ſo comfortable and ſo certain, that they never think of relinquiſhing them to become ſtrolling beggars. Their ſituation too, when ſick, in the family of a good farmer, where every member is emulous to do them kind offices, where they are viſited by all the neighbours, who bring them the little rarities which their ſickly appetites may crave, and who take by rotation the nightly watch over them, when their condition requires it, is without compariſon better than in a general hoſpital, where the ſick, the dying, and the dead are crammed together, in the ſame rooms, and often in the ſame beds. The diſadvantages, inſeparable from general hoſpitals, are ſuch as can never be counterpoiſed by all the regularities of medicine and regimen. Nature and kind nurſing ſave a much greater proportion in our plain way, at a ſmaller expence, and with leſs abuſe. One branch only of hoſpital inſtitution is wanting with us; that is, a general eſtabliſhment for thoſe labouring under difficult caſes of chirurgery. The aids of this art are not equivocal. But an able chirurgeon cannot be had in every pariſh. Such a receptacle ſhould therefore be provided for thoſe patients: but no others ſhould be admitted.

Marriages

Marriages muſt be ſolemnized either on ſpecial licence, granted by the firſt magiſtrate of the county, on proof of the conſent of the parent or guardian of either party under age, or after ſolemn publication, on three ſeveral Sundays, at ſome place of religious worſhip, in the pariſhes where the parties reſide. The act of ſolemnization may be by the miniſter of any ſociety of Chriſtians, who ſhall have been previouſly licenſed for this purpoſe by the court of the county. Quakers and Menoniſts however are exempted from all theſe conditions, and marriage among them is to be ſolemnized by the ſociety itſelf.

A foreigner of any nation, not in open war with us, becomes naturalized by removing to the ſtate to reſide, and taking an oath of fidelity: and thereupon acquires every right of a native citizen: and citizens may diveſt themſelves of that character, by declaring, by ſolemn deed, or in open court, that they mean to expatriate themſelves, and no longer to be citizens of this ſtate.

Conveyances of land muſt be regiſtered in the court of the county wherein they lie, or in the general court, or they are void, as to creditors, and ſubſequent purchaſers.

Slaves paſs by deſcent and dower as lands do. Where the deſcent is from a parent, the heir is bound to pay an equal ſhare of their value

value in money to each of his brothers and ſiſters.

Slaves, as well as lands, were entailable during the monarchy: but, by an act of the firſt republican aſſembly, all donees in tail, preſent and future, were veſted with the abſolute dominion of the entailed ſubject.

Bills of exchange, being proteſted, carry 10 per cent. intereſt from their date.

No perſon is allowed, in any other caſe, to take more than five per cent. per annum ſimple intereſt, for the loan of monies.

Gaming debts are made void, and monies actually paid to diſcharge ſuch debts (if they exceeded 40 ſhillings) may be recovered by the payer within three months, or by any other perſon afterwards.

Tobacco, flour, beef, pork, tar, pitch, and turpentine, muſt be inſpected by perſons publicly appointed, before they can be exported.

The erecting iron-works and mills is encouraged by many privileges; with neceſſary cautions however to prevent their dams from obſtructing the navigation of the watercourſes. The general aſſembly have on ſeveral occaſions ſhewn a great deſire to encourage the opening the great falls of James and Patowmac rivers. As yet, however, neither of theſe have been effected.

The

The laws have alſo deſcended to the preſervation and improvement of the races of uſeful animals, ſuch as horſes, cattle, deer; to the extirpation of thoſe which are noxious, as wolves, ſquirrels, crows, blackbirds; and to the guarding our citizens againſt infectious diſorders, by obliging ſuſpected veſſels coming into the ſtate, to perform quarantine, and by regulating the conduct of perſons having ſuch diſorders within the ſtate.

The mode of acquiring lands, in the earlieſt times of our ſettlement, was by petition to the general aſſembly. If the lands prayed for were already cleared of the Indian title, and the aſſembly thought the prayer reaſonable, they paſſed the property by their vote to the petitioner. But if they had not yet been ceded by the Indians, it was neceſſary that the petitioner ſhould previouſly purchaſe their right. This purchaſe the aſſembly verified, by enquiries of the Indian proprietors; and being ſatisfied of its reality and fairneſs, proceeded further to examine the reaſonableneſs of the petition, and its conſiſtence with policy; and, according to the reſult, either granted or rejected the petition. The company alſo ſometimes, though very rarely, granted lands, independantly of the general aſſembly. As the colony increaſed, and individual applications for land multiplied,

multiplied, it was found to give too much occupation to the general aſſembly to enquire into and execute the grant in every ſpecial caſe. They therefore thought it better to eſtabliſh general rules, according to which all grants ſhould be made, and to leave to the governor the execution of them, under theſe rules. This they did by what have been uſually called the land laws, amending them from time to time, as their defects were developed. According to theſe laws, when an individual wiſhed a portion of unappropriated land, he was to locate and ſurvey it by a public officer, appointed for that purpoſe: its breadth was to bear a certain proportion to its length: the grant was to be executed by the governor: and the lands were to be improved in a certain manner, within a given time. From theſe regulations there reſulted to the ſtate a ſole and excluſive power of taking conveyances of the Indian right of ſoil: ſince, according to them, an Indian conveyance alone could give no right to an individual, which the laws would acknowledge. The ſtate, or the crown, thereafter, made general purchaſes of the Indians from time to time, and the governor parcelled them out by ſpecial grants, conformed to the rules before deſcribed, which it was not in his power, or in that of the

crown, to diſpenſe with. Grants, unaccompanied by their proper legal circumſtances, were ſet aſide regularly by *ſcire facias*, or by bill in Chancery. Since the eſtabliſhment of our new government, this order of things is but little changed. An individual, wiſhing to appropriate to himſelf lands ſtill unappropriated by any other, pays to the public treaſurer a ſum of money proportioned to the quantity he wants. He carries the treaſurer's receipt to the auditors of public accompts, who thereupon debit the treaſurer with the ſum, and order the regiſter of the land-office to give the party a warrant for his land. With this warrant from the regiſter, he goes to the ſurveyor of the county where the land lies on which he has caſt his eye. The ſurveyor lays it off for him, gives him its exact deſcription, in the form of a certificate, which certificate he returns to the land-office, where a grant is made out, and is ſigned by the governor. This veſts in him a perfect dominion in his lands, tranſmiſſible to whom he pleaſes by deed or will, or by deſcent to his heirs if he die inteſtate.

Many of the laws which were in force during the monarchy being relative merely to that form of government, or inculcating principles inconſiſtent with republicaniſm, the

the firſt aſſembly which met after the eſtabliſhment of the commonwealth appointed a committee to reviſe the whole code, to reduce it into proper form and volume, and report it to the aſſembly. This work has been executed by three gentlemen, and reported; but probably will not be taken up till a reſtoration of peace ſhall leave to the legiſlature leiſure to go through ſuch a work.

The plan of the reviſal was this. The common law of England, by which is meant, that part of the Engliſh law which was anterior to the date of the oldeſt ſtatutes extant, is made the baſis of the work. It was thought dangerous to attempt to reduce it to a text: it was therefore left to be collected from the uſual monuments of it. Neceſſary alterations in that, and ſo much of the whole body of the Britiſh ſtatutes, and of acts of aſſembly, as were thought proper to be retained, were digeſted into 126 new acts, in which ſimplicity of ſtile was aimed at, as far as was ſafe. The following are the moſt remarkable alterations propoſed:

To change the rules of deſcent, ſo as that the lands of any perſon dying inteſtate ſhall be diviſible equally among all his children, or other repreſentatives, in equal degree.

To make ſlaves diſtributable among the next of kin, as other moveables.

To have all public expences, whether of the general treaſury, or of a pariſh or county, (as for the maintenance of the poor, building bridges, court-houſes, &c.) ſupplied by aſſeſſments on the citizens, in proportion to their property.

To hire undertakers for keeping the public roads in repair, and indemnify individuals through whoſe lands new roads ſhall be opened.

To define with preciſion the rules whereby aliens ſhould become citizens, and citizens make themſelves aliens.

To eſtabliſh religious freedom on the broadeſt bottom.

To emancipate all ſlaves born after paſſing the act. The bill reported by the reviſors does not itſelf contain this propoſition; but an amendment containing it was prepared, to be offered to the legiſlature whenever the bill ſhould be taken up, and further directing, that they ſhould continue with their parents to a certain age, then be brought up, at the public expence, to tillage, arts or ſciences, according to their geniuſſes, till the females ſhould be eighteen, and the males twenty-one years of age, when they ſhould be colonized to ſuch place as the circumſtances

ſtances of the time ſhould render moſt proper, ſending them out with arms, implements of houſhold and of the handicraft arts, ſeeds, pairs of the uſeful domeſtic animals, &c. to declare them a free and independant people, and extend to them our alliance and protection, till they ſhall have acquired ſtrength; and to ſend veſſels at the ſame time to other parts of the world for an equal number of white inhabitants; to induce whom to migrate hither, proper encouragements were to be propoſed. It will probably be aſked, Why not retain and incorporate the blacks into the ſtate, and thus ſave the expence of ſupplying, by importation of white ſettlers, the vacancies they will leave? Deep rooted prejudices entertained by the whites; ten thouſand recollections, by the blacks, of the injuries they have ſuſtained; new provocations; the real diſtinctions which nature has made; and many other circumſtances, will divide us into parties, and produce convulſions which will probably never end but in the extermination of the one or the other race.—To theſe objections, which are political, may be added others, which are phyſical and moral. The firſt difference which ſtrikes us is that of colour. Whether the black of the negro reſides in the reticular membrane between the ſkin and ſcarf-ſkin,

or in the ſcarf-ſkin itſelf; whether it proceeds from the colour of the blood, the colour of the bile, or from that of ſome other ſecretion, the difference is fixed in nature, and is as real as if its ſeat and cauſe were better known to us. And is this difference of no importance? Is it not the foundation of a greater or leſs ſhare of beauty in the two races? Are not the fine mixtures of red and white, the expreſſions of every paſſion by greater or leſs ſuffuſions of colour in the one, preferable to that eternal monotony, which reigns in the countenances, that immoveable veil of black which covers all the emotions of the other race? Add to theſe, flowing hair, a more elegant ſymmetry of form, their own judgment in favour of the whites, declared by their preference of them, as uniformly as is the preference of the Oran-ootan for the black women over thoſe of his own ſpecies. The circumſtance of ſuperior beauty, is thought worthy attention in the propagation of our horſes, dogs, and other domeſtic animals; why not in that of man? Beſides thoſe of colour, figure, and hair, there are other phyſical diſtinctions proving a difference of race. They have leſs hair on the face and body. They ſecrete leſs by the kidnies, and more by the glands of the ſkin, which gives them a very ſtrong and diſagreeable

diſagreeable odour. This greater degree of tranſpiration renders them more tolerant of heat, and leſs ſo of cold, than the whites. Perhaps too a difference of ſtructure in the pulmonary apparatus, which a late ingenious * experimentaliſt has diſcovered to be the principal regulator of animal heat, may have diſabled them from extricating, in the act of inſpiration, ſo much of that fluid from the outer air, or obliged them in expiration, to part with more of it. They ſeem to require leſs ſleep. A black, after hard labour through the day, will be induced by the ſlighteſt amuſements to ſit up till midnight, or later, though knowing he muſt be out with the firſt dawn of the morning. They are at leaſt as brave, and more adventureſome. But this may perhaps proceed from a want of forethought, which prevents their ſeeing a danger till it be preſent. When preſent, they do not go through it with more coolneſs or ſteadineſs than the whites. They are more ardent after their female: but love ſeems with them to be more an eager deſire, than a tender delicate mixture of ſentiment and ſenſation. Their griefs are tranſient. Thoſe numberleſs afflictions, which render it doubtful whether heaven has given life to us in mercy or in wrath, are leſs felt, and ſooner forgot-

* Crawford.

ten with them. In general, their exiſtence appears to participate more of ſenſation than reflection. To this muſt be aſcribed their diſpoſition to ſleep when abſtracted from their diverſions, and unemployed in labour. An animal whoſe body is at reſt, and who does not reflect, muſt be diſpoſed to ſleep of courſe. Comparing them by their faculties of memory, reaſon, and imagination, it appears to me, that in memory they are equal to the whites; in reaſon much inferior, as I think one could ſcarcely be found capable of tracing and comprehending the inveſtigations of Euclid; and that in imagination they are dull, taſteleſs, and anomalous. It would be unfair to follow them to Africa for this inveſtigation. We will conſider them here, on the ſame ſtage with the whites, and where the facts are not apocryphal on which a judgment is to be formed. It will be right to make great allowances for the difference of condition, of education, of converſation, of the ſphere in which they move. Many millions of them have been brought to, and born in America. Moſt of them indeed have been confined to tillage, to their own homes, and their own ſociety: yet many have been ſo ſituated, that they might have availed themſelves of the converſation of their maſters; many have been brought up

to

to the handicraft arts, and from that circumſtance have always been aſſociated with the whites. Some have been liberally educated, and all have lived in countries where the arts and ſciences are cultivated to a conſiderable degree, and have had before their eyes ſamples of the beſt works from abroad. The Indians, with no advantages of this kind, will often carve figures on their pipes not deſtitute of deſign and merit. They will crayon out an animal, a plant, or a country, ſo as to prove the exiſtence of a germ in their minds which only wants cultivation. They aſtoniſh you with ſtrokes of the moſt ſublime oratory; ſuch as prove their reaſon and ſentiment ſtrong, their imagination glowing and elevated. But never yet could I find that a black had uttered a thought above the level of plain narration; never ſee even an elementary trait of painting or ſculpture. In muſic they are more generally gifted than the whites with accurate ears for tune and time, and they have been found capable of imagining a ſmall catch *. Whether they will be equal to the compoſition of a more extenſive run of melody, or of complicated harmony, is

* The inſtrument proper to them is the Banjar, which they brought hither from Africa, and which is the original of the guitar, its chords being preciſely the four lower chords of the guitar.

yet

yet to be proved. Misery is often the parent of the most affecting touches in poetry.—Among the blacks is misery enough, God knows, but no poetry. Love is the peculiar œstrum of the poet. Their love is ardent, but it kindles the senses only, not the imagination. Religion indeed has produced a Phyllis Whately; but it could not produce a poet. The compositions published under her name are below the dignity of criticism. The heroes of the Dunciad are to her, as Hercules to the author of that poem. Ignatius Sancho has approached nearer to merit in composition; yet his letters do more honour to the heart than the head. They breathe the purest effusions of friendship and general philanthropy, and shew how great a degree of the latter may be compounded with strong religious zeal. He is often happy in the turn of his compliments, and his stile is easy and familiar, except when he affects a Shandean fabrication of words. But his imagination is wild and extravagant, escapes incessantly from every restraint of reason and taste, and, in the course of its vagaries, leaves a tract of thought as incoherent and eccentric, as is the course of a meteor through the sky. His subjects should often have led him to a process of sober reasoning: yet we find him always substituting

sentiment

ſentiment for demonſtration. Upon the whole, though we admit him to the firſt place among thoſe of his own colour who have preſented themſelves to the public judgment, yet when we compare him with the writers of the race among whom he lived, and particularly with the epiſtolary claſs, in which he has taken his own ſtand, we are compelled to enroll him at the bottom of the column. This criticiſm ſuppoſes the letters publiſhed under his name to be genuine, and to have received amendment from no other hand; points which would not be of eaſy inveſtigation. The improvement of the blacks in body and mind, in the firſt inſtance of their mixture with the whites, has been obſerved by every one, and proves that their inferiority is not the effect merely of their condition of life. We know that among the Romans, about the Auguſtan age eſpecially, the condition of their ſlaves was much more deplorable than that of the blacks on the continent of America. The two ſexes were confined in ſeparate apartments, becauſe to raiſe a child coſt the maſter more than to buy one. Cato, for a very reſtricted indulgence to his ſlaves in this particular, * took from them a certain price. But in

* Τὰς δούλας εἴαξεν ὡρισμένου νομισμάτος ὁμιλεῖν ταῖς θεραπαίναις. Plutarch. Cato.

this

this country the ſlaves multiply as faſt as the free inhabitants. Their ſituation and manners place the commerce between the two ſexes almoſt without reſtraint. — The ſame Cato, on a principle of œconomy, always ſold his ſick and ſuperannuated ſlaves. He gives it as a ſtanding precept to a maſter viſiting his farm, to ſell his old oxen, old waggons, old tools, old and diſeaſed ſervants, and every thing elſe become uſeleſs. 'Vendat boves vetulos, plauſtrum vetus, ferramenta vetera, ſervum ſenem, ſervum morboſum, & ſi quid aliud ſuperſit vendat.' Cato de re ruſticâ. c. 2. The American ſlaves cannot enumerate this among the injuries and inſults they receive. It was the common practice to expoſe in the iſland of Æſculapius, in the Tyber, diſeaſed ſlaves, whoſe cure was like to become tedious. The Emperor Claudius, by an edict, gave freedom to ſuch of them as ſhould recover, and firſt declared, that if any perſon choſe to kill rather than to expoſe them, it ſhould be deemed homicide. The expoſing them is a crime of which no inſtance has exiſted with us; and were it to be followed by death, it would be puniſhed capitally. We are told of a certain Vedius Pollio, who, in the preſence of Auguſtus, would have given a ſlave as food to his fiſh, for having broken a glaſs.

Suet. Claud. 25.

With

With the Romans, the regular method of taking the evidence of their ſlaves was under torture. Here it has been thought better never to reſort to their evidence. When a maſter was murdered, all his ſlaves, in the ſame houſe, or within hearing, were condemned to death. Here puniſhment falls on the guilty only, and as preciſe proof is required againſt him as againſt a freeman. Yet notwithſtanding theſe and other diſcouraging circumſtances among the Romans, their ſlaves were often their rareſt artiſts. They excelled too in ſcience, inſomuch as to be uſually employed as tutors to their maſter's children. Epictetus, Terence, and Phædrus, were ſlaves. But they were of the race of whites. It is not their condition then, but nature, which has produced the diſtinction.—Whether further obſervation will or will not verify the conjecture, that nature has been leſs bountiful to them in the endowments of the head, I believe that in thoſe of the heart ſhe will be found to have done them juſtice. That diſpoſition to theft with which they have been branded, muſt be aſcribed to their ſituation, and not to any depravity of the moral ſenſe. The man, in whoſe favour no laws of property exiſt, probably feels himſelf leſs bound to reſpect thoſe made in favour of others. When arguing for ourſelves, we lay

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it down as a fundamental, that laws, to be juſt, muſt give a reciprocation of right: that, without this, they are mere arbitrary rules of conduct, founded in force, and not in conſcience: and it is a problem which I give to the maſter to ſolve, whether the religious precepts againſt the violation of property were not framed for him as well as his ſlave? And whether the ſlave may not as juſtifiably take a little from one, who has taken all from him, as he may ſlay one who would ſlay him? That a change in the relations in which a man is placed ſhould change his ideas of moral right and wrong, is neither new, nor peculiar to the colour of the blacks. Homer tells us it was ſo 2600 years ago.

Ἤμισυ, γαρ τ' ἀρετὴς ἀποαίνυται εὐρύοπα Ζεὺς
Ἀνερος, ευτ' ἂν μιν κατὰ δὴλιον ἦμαρ ἕλησιν. *Od.* 17. 323.

Jove fix'd it certain, that whatever day
Makes man a ſlave, takes half his worth away.

But the ſlaves of which Homer ſpeaks were whites. Notwithſtanding theſe conſiderations which muſt weaken their reſpect for the laws of property, we find among them numerous inſtances of the moſt rigid integrity, and as many as among their better inſtructed maſters, of benevolence, gratitude, and unſhaken fidelity.—The opinion, that they are inferior in the faculties of rea-

ſon and imagination, muſt be hazarded with great diffidence. To juſtify a general concluſion, requires many obſervations, even where the ſubject may be ſubmitted to the Anatomical knife, to Optical glaſſes, to analyſis by fire, or by ſolvents. How much more then where it is a faculty, not a ſubſtance, we are examining; where it eludes the reſearch of all the ſenſes; where the conditions of its exiſtence are various and variouſly combined; where the effects of thoſe which are preſent or abſent bid defiance to calculation; let me add too, as a circumſtance of great tenderneſs, where our concluſion would degrade a whole race of men from the rank in the ſcale of beings which their Creator may perhaps have given them. To our reproach it muſt be ſaid, that though for a century and a half we have had under our eyes the races of black and of red men, they have never yet been viewed by us as ſubjects of natural hiſtory. I advance it therefore as a ſuſpicion only, that the blacks, whether originally a diſtinct race, or made diſtinct by time and circumſtances, are inferior to the whites in the endowments both of body and mind. It is not againſt experience to ſuppoſe, that different ſpecies of the ſame genus, or varieties of the ſame ſpecies, may poſſeſs different qualifi-

qualifications. Will not a lover of natural hiſtory then, one who views the gradations in all the races of animals with the eye of philoſophy, excuſe an effort to keep thoſe in the department of man as diſtinct as nature has formed them? This unfortunate difference of colour, and perhaps of faculty, is a powerful obſtacle to the emancipation of theſe people. Many of their advocates, while they wiſh to vindicate the liberty of human nature, are anxious alſo to preſerve its dignity and beauty. Some of theſe, embarraſſed by the queſtion 'What further is 'to be done with them?' join themſelves in oppoſition with thoſe who are actuated by ſordid avarice only. Among the Romans emancipation required but one effort. The ſlave, when made free, might mix with, without ſtaining the blood of his maſter. But with us a ſecond is neceſſary, unknown to hiſtory. When freed, he is to be removed beyond the reach of mixture.

The reviſed code further propoſes to proportion crimes and puniſhments. This is attempted on the following ſcale.

I. Crimes

I. Crimes whoſe puniſhment extends to *Life*.

1. High treaſon. Death by hanging.
   Forfeiture of lands and goods to the commonwealth.
2. Petty treaſon. Death by hanging. Diſſection.
   Forfeiture of half the lands and goods to the repreſentatives of the party ſlain.
3. Murder. 1. by poiſon. Death by poiſon.
   Forfeiture of one-half as before.
   2. in Duel. Death by hanging. Gibbeting, if the challenger.
   Forfeiture of one-half as before, unleſs it be the party challenged, then the forfeiture is to the commonwealth.
   3. in any other way. Death by hanging
   Forfeiture of one-half as before.
4. Manſlaughter. The ſecond offence is murder.

II. Crimes whoſe puniſhment goes to *Limb*.

1. Rape,
2. Sodomy, } Diſmemberment.
3. Maiming,
4. Disfiguring, } Retaliation, and the forfeiture of half the lands and goods to the ſufferer.

III. Crimes puniſhable by *Labour*.

1. Manſlaughter, 1ſt offence. Labour VII. years for the public. Forfeiture of half as in murder.
2. Counterfeiting money. Labour VI. years. Forfeiture of lands and goods to the commonwealth.

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3. Arſon — — —	Labour V. years. — —	Reparation threefold.	
4. Aſportation of veſſels.			
5. Robbery. — —	Labour IV. years. — —	Reparation double.	
6. Burglary. — —			
7. Houſebreaking. —	Labour III. years. — —	Reparation.	
8. Horſe-ſtealing. —			
9. Grand Larceny. —	Labour II. years. — —	Reparation. —	Pillory.
10. Petty Larceny. —	Labour I. year. — —	Reparation. —	Pillory.
11. Pretenſions to witchcraft, &c. Ducking.	— —	Stripes.	
12. Excuſable homicide.	to be pitied, not puniſhed.		
13. Suicide.			
14. Apoſtacy. Hereſy.			

Pardon

Pardon and privilege of clergy are propoſed to be aboliſhed; but if the verdict be againſt the defendant, the court in their diſcretion, may allow a new trial. No attainder to cauſe a corruption of blood, or forfeiture of dower. Slaves guilty of offences puniſhable in others by labour, to be tranſported to Africa, or elſewhere, as the circumſtances of the time admit, there to be continued in ſlavery. A rigorous regimen propoſed for thoſe condemned to labour.

Another object of the reviſal is, to diffuſe knowledge more generally through the maſs of the people. This bill propoſes to lay off every county into ſmall diſtricts of five or ſix miles ſquare, called hundreds, and in each of them to eſtabliſh a ſchool for teaching reading, writing, and arithmetic. The tutor to be ſupported by the hundred, and every perſon in it entitled to ſend their children three years gratis, and as much longer as they pleaſe, paying for it. Theſe ſchools to be under a viſitor, who is annually to chuſe the boy, of beſt genius in the ſchool, of thoſe whoſe parents are too poor to give them further education, and to ſend him forward to one of the grammar ſchools, of which twenty are propoſed to be erected in different parts of the country, for teaching Greek, Latin, geography, and the higher

branches of numerical arithmetic. Of the boys thus ſent in any one year, trial is to be made at the grammar ſchools one or two years, and the beſt genius of the whole ſelected, and continued ſix years, and the reſidue diſmiſſed. By this means twenty of the beſt geniuſſes will be raked from the rubbiſh annually, and be inſtructed, at the public expence, ſo far as the grammer ſchools go. At the end of ſix years inſtruction, one half are to be diſcontinued (from among whom the grammar ſchools will probably be ſupplied with future maſters); and the other half, who are to be choſen for the ſuperiority of their parts and diſpoſition, are to be ſent and continued three years in the ſtudy of ſuch ſciences as they ſhall chuſe, at William and Mary college, the plan of which is propoſed to be enlarged, as will be hereafter explained, and extended to all the uſeful ſciences. The ultimate reſult of the whole ſcheme of education would be the teaching all the children of the ſtate reading, writing, and common arithmetic: turning out ten annually of ſuperior genius, well taught in Greek, Latin, geography, and the higher branches of arithmetic: turning out ten others annually, of ſtill ſuperior parts, who, to thoſe branches of learning, ſhall have added ſuch of the ſciences as their genius

genius ſhall have led them to: the furniſhing to the wealthier part of the people convenient ſchools, at which their children may be educated, at their own expence.—The general objects of this law are to provide an education adapted to the years, to the capacity, and the condition of every one, and directed to their freedom and happineſs. Specific details were not proper for the law. Theſe muſt be the buſineſs of the viſitors entruſted with its execution. The firſt ſtage of this education being the ſchools of the hundreds, wherein the great maſs of the people will receive their inſtruction, the principal foundations of future order will be laid here. Inſtead therefore of putting the Bible and Teſtament into the hands of the children, at an age when their judgments are not ſufficiently matured for religious enquiries, their memories may here be ſtored with the moſt uſeful facts from Grecian, Roman, European and American hiſtory. The firſt elements of morality too may be inſtilled into their minds; ſuch as, when further developed as their judgments advance in ſtrength, may teach them how to work out their own greateſt happineſs, by ſhewing them that it does not depend on the condition of life in which chance has placed them, but is always the reſult of a

good conſcience, good health, occupation, and freedom in all juſt purſuits.—Thoſe whom either the wealth of their parents or the adoption of the ſtate ſhall deſtine to higher degrees of learning, will go on to the grammar ſchools, which conſtitute the next ſtage, there to be inſtructed in the languages. The learning Greek and Latin, I am told, is going into diſuſe in Europe. I know not what their manners and occupations may call for: but it would be very ill-judged in us to follow their example in this inſtance. There is a certain period of life, ſay from eight to fifteen or ſixteen years of age, when the mind, like the body, is not yet firm enough for laborious and cloſe operations. If applied to ſuch, it falls an early victim to premature exertion; exhibiting indeed at firſt, in theſe young and tender ſubjects, the flattering appearance of their being men while they are yet children, but ending in reducing them to be children when they ſhould be men. The memory is then moſt ſuſceptible and tenacious of impreſſions; and the learning of languages being chiefly a work of memory, it ſeems preciſely fitted to the powers of this period, which is long enough too for acquiring the moſt uſeful languages antient and modern. I do not pretend that language is ſcience.

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It is only an inſtrument for the attainment of ſcience. But that time is not loſt which is employed in providing tools for future operation: more eſpecially as in this caſe the books put into the hands of the youth for this purpoſe may be ſuch as will at the ſame time impreſs their minds with uſeful facts and good principles. If this period be ſuffered to paſs in idleneſs, the mind becomes lethargic and impotent, as would the body it inhabits if unexerciſed during the ſame time. The ſympathy between body and mind during their riſe, progreſs and decline, is to ſtrict and obvious to endanger our being miſled while we reaſon from the one to the other.—As ſoon as they are of ſufficient age, it is ſuppoſed they will be ſent on from the grammar ſchools to the univerſity, which conſtitutes our third and laſt ſtage, there to ſtudy thoſe ſciences which may be adapted to their views.—By that part of our plan which preſcribes the ſelection of the youths of genius from among the claſſes of the poor, we hope to avail the ſtate of thoſe talents which nature has ſown as liberally among the poor as the rich, but which periſh without uſe, if not ſought for and cultivated.—But of all the views of this law none is more important, none more legitimate, than that of rendering the people

the ſafe, as they are the ultimate, guardians of their own liberty. For this purpoſe the reading in the firſt ſtage, where *they* will receive their whole education, is propoſed, as has been ſaid, to be chiefly hiſtorical. Hiſtory by appriſing them of the paſt will enable them to judge of the future; it will avail them of the experience of other times and other nations; it will qualify them as judges of the actions and deſigns of men; it will enable them to know ambition under every diſguiſe it may aſſume; and knowing it, to defeat its views. In every government on earth is ſome trace of human weakneſs; ſome germ of corruption and degeneracy, which cunning will diſcover, and wickedneſs inſenſibly open, cultivate, and improve. Every government degenerates when truſted to the rulers of the people alone. The people themſelves therefore are its only ſafe depoſitories. And to render even them ſafe their minds muſt be improved to a certain degree. This indeed is not all that is neceſſary, though it be eſſentially neceſſary. An amendment of our conſtitution muſt here come in aid of the public education. The influence over government muſt be ſhared among all the people. If every individual which compoſes their maſs participates of the ultimate authority, the government

ment will be ſafe; becauſe the corrupting the whole maſs will exceed any private reſources of wealth: and public ones cannot be provided but by levies on the people. In this caſe every man would have to pay his own price. The government of Great-Britain has been corrupted, becauſe but one man in ten has a right to vote for members of parliament. The ſellers of the government therefore get nine-tenths of their price clear. It has been thought that corruption is reſtrained by confining the right of ſuffrage to a few of the wealthier of the people: but it would be more effectually reſtrained by an extenſion of that right to ſuch numbers as would bid defiance to the means of corruption.

Laſtly, it is propoſed, by a bill in this reviſal, to begin a public library and gallery, by laying out a certain ſum annually in books, paintings, and ſtatues.

QUERY XV.

THE colleges and public eſtabliſhments, the roads, buildings, &c.? Colleges, Buildings, Roads, &c.

The college of William and Mary is the only public ſeminary of learning in this ſtate. It was founded in the time of king William and

and queen Mary, who granted to it 20,000 acres of land, and a penny a pound duty on certain tobaccoes exported from Virginia and Maryland, which had been levied by the ſtatute of 25 Car. 2. The aſſembly alſo gave it, by temporary laws, a duty on liquors imported, and ſkins and firs exported. From theſe reſources it received upwards of 3000l. communibus annis. The buildings are of brick, ſufficient for an indifferent accommodation of perhaps an hundred ſtudents. By its charter it was to be under the government of twenty viſitors, who were to be its legiſlators, and to have a preſident and ſix profeſſors, who were incorporated. It was allowed a repreſentative in the general aſſembly. Under this charter, a profeſſorſhip of the Greek and Latin languages, a profeſſorſhip of mathematics, one of moral philoſophy, and two of divinity, were eſtabliſhed. To theſe were annexed, for a ſixth profeſſorſhip, a conſiderable donation by Mr. Boyle of England, for the inſtruction of the Indians, and their converſion to Chriſtianity. This was called the profeſſorſhip of Brafferton, from an eſtate of that name in England, purchaſed with the monies given. The admiſſion of the learners of Latin and Greek filled the college with children. This rendering it diſagreeable and degrading to young

young gentlemen already prepared for entering on the ſciences, they were diſcouraged from reſorting to it, and thus the ſchools for mathematics and moral philoſophy, which might have been of ſome ſervice, became of very little. The revenues too were exhauſted in accommodating thoſe who came only to acquire the rudiments of ſcience. After the preſent revolution, the viſitors, having no power to change thoſe circumſtances in the conſtitution of the college which were fixed by the charter, and being therefore confined in the number of profeſſorſhips, undertook to change the objects of the profeſſorſhips. They excluded the two ſchools for divinity, and that for the Greek and Latin languages, and ſubſtituted others; ſo that at preſent they ſtand thus:

A Profeſſorſhip for Law and Police:
Anatomy and Medicine:
Natural Philoſophy and Mathematics:
Moral Philoſophy, the Law of Nature and Nations, the Fine Arts:
Modern Languages:
For the Brafferton.

And it is propoſed, ſo ſoon as the legiſlature ſhall have leiſure to take up this ſubject, to deſire authority from them to increaſe the number of profeſſorſhips, as well for the purpoſe of ſubdividing thoſe already inſtituted,

as

as of adding others for other branches of ſcience. To the profeſſorſhips uſually eſtabliſhed in the univerſities of Europe, it would ſeem proper to add one for the antient languages and literature of the North, on account of their connection with our own language, laws, cuſtoms, and hiſtory. The purpoſes of the Brafferton inſtitution would be better anſwered by maintaining a perpetual miſſion among the Indian tribes, the object of which, beſides inſtructing them in the principles of Chriſtianity, as the founder requires, ſhould be to collect their traditions, laws, cuſtoms, languages, and other circumſtances which might lead to a diſcovery of their relation with one another, or deſcent from other nations. When theſe objects are accompliſhed with one tribe, the miſſionary might paſs on to another.

The roads are under the government of the county courts, ſubject to be controuled by the general court. They order new roads to be opened wherever they think them neceſſary. The inhabitants of the county are by them laid off into precincts, to each of which they allot a convenient portion of the public roads to be kept in repair. Such bridges as may be built without the aſſiſtance of artificers, they are to build. If the ſtream be ſuch as to require a bridge of regular workmanſhip,

workmanſhip, the court employs workmen to build it, at the expence of the whole county. If it be too great for the county, application is made to the general aſſembly, who authorize individuals to build it, and to take a fixed toll from all paſſengers, or give ſanction to ſuch other propoſition as to them appears reaſonable.

Ferries are admitted only at ſuch places as are particularly pointed out by law, and the rates of ferriage are fixed.

Taverns are licenſed by the courts, who fix their rates from time to time.

The private buildings are very rarely conſtructed of ſtone or brick; much the greateſt proportion being of ſcantling and boards, plaiſtered with lime. It is impoſſible to deviſe things more ugly, uncomfortable, and happily more periſhable. There are two or three plans, on one of which, according to its ſize, moſt of the houſes in the ſtate are built. The pooreſt people build huts of logs, laid horizontally in pens, ſtopping the interſtices with mud. Theſe are warmer in winter, and cooler in ſummer, than the more expenſive conſtructions of ſcantling and plank. The wealthy are attentive to the raiſing of vegetables, but very little ſo to fruits. The poorer people attend to neither, living principally on milk and animal diet. This is

the more inexcuſable, as the climate requires indiſpenſably a free uſe of vegetable food, for health as well as comfort, and is very friendly to the raiſing of fruits.—The only public buildings worthy mention are the Capitol, the Palace, the College, and the Hoſpital for Lunatics, all of them in Williamſburg, heretofore the ſeat of our government. The Capitol is a light and airy ſtructure, with a portico in front of two orders, the lower of which, being Doric, is tolerably juſt in its proportions and ornaments, ſave only that the intercolonnations are too large. The upper is Ionic, much too ſmall for that on which it is mounted, its ornaments not proper to the order, nor proportioned within themſelves. It is crowned with a pediment, which is too high for its ſpan. Yet, on the whole, it is the moſt pleaſing piece of architecture we have. The Palace is not handſome without: but it is ſpacious and commodious within, is prettily ſituated, and, with the grounds annexed to it, is capable of being made an elegant ſeat. The College and Hoſpital are rude, miſ-ſhapen piles, which, but that they have roofs, would be taken for brick-kilns. There are no other public buildings but churches and courthouſes. in which no attempts are made at elegance. Indeed it would not be eaſy to

execute ſuch an attempt, as a workman could ſcarcely be found here capable of drawing an order. The genius of architecture ſeems to have ſhed its maledictions over this land. Buildings are often erected, by individuals, of conſiderable expence. To give theſe ſymmetry and taſte would not increaſe their coſt. It would only change the arrangement of the materials, the form and combination of the members. This would often coſt leſs than the burthen of barbarous ornaments with which theſe buildings are ſometimes charged. But the firſt principles of the art are unknown, and there exiſts ſcarcely a model among us ſufficiently chaſte to give an idea of them. Architecture being one of the fine arts, and as ſuch within the department of a profeſſor of the college, according to the new arrangement, perhaps a ſpark may fall on ſome young ſubjects of natural taſte, kindle up their genius, and produce a reformation in this elegant and uſeful art. But all we ſhall do in this way will produce no permanent improvement to our country, while the unhappy prejudice prevails that houſes of brick or ſtone are leſs wholeſome than thoſe of wood. A dew is often obſerved on the walls of the former in rainy weather, and the moſt obvious ſolution is, that the rain has penetrated through theſe walls. The following

lowing facts however are ſufficient to prove the error of this ſolution. 1. This dew on the walls appears when there is no rain, if the ſtate of the atmoſphere be moiſt. 2. It appears on the partition as well as the exterior walls. 3. So alſo on pavements of brick or ſtone. 4. It is more copious in proportion as the walls are thicker; the reverſe of which ought to be the caſe, if this hypotheſis were juſt. If cold water be poured into a veſſel of ſtone, or glaſs, a dew forms inſtantly on the outſide: but if it be poured into a veſſel of wood, there is no ſuch appearance. It is not ſuppoſed, in the firſt caſe, that the water has exuded through the glaſs, but that it is precipitated from the circumambient air; as the humid particles of vapour, paſſing from the boiler of an alembic through its refrigerant, are precipitated from the air, in which they were ſuſpended, on the internal ſurface of the refrigerant. Walls of brick or ſtone act as the refrigerant in this inſtance. They are ſufficiently cold to condenſe and precipitate the moiſture ſuſpended in the air of the room, when it is heavily charged therewith. But walls of wood are not ſo. The queſtion then is, whether air in which this moiſture is left floating, or that which is deprived of it, be moſt wholeſome? In both caſes the remedy

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is eaſy. A little fire kindled in the room, whenever the air is damp, prevents the precipitation on the walls: and this practice, found healthy in the warmeſt as well as coldeſt ſeaſons, is as neceſſary in a wooden as in a ſtone or a brick houſe. I do not mean to ſay, that the rain never penetrates through walls of brick. On the contrary I have ſeen inſtances of it. But with us it is only through the northern and eaſtern walls of the houſe, after a north-eaſterly ſtorm, theſe being the only ones which continue long enough to force through the walls. This however happens too rarely to give a juſt character of unwholeſomeneſs to ſuch houſes. In a houſe, the walls of which are of well-burnt brick and good mortar, I have ſeen the rain penetrate through but twice in a dozen or fifteen years. The inhabitants of Europe, who dwell chiefly in houſes of ſtone or brick, are ſurely as healthy as thoſe of Virginia. Theſe houſes have the advantage too of being warmer in winter and cooler in ſummer than thoſe of wood; of being cheaper in their firſt conſtruction, where lime is convenient, and infinitely more durable. The latter conſideration renders it of great importance to eradicate this prejudice from the minds of our countrymen. A country whoſe buildings are of wood, can

never increaſe in its improvements to any conſiderable degree. Their duration is highly eſtimated at 50 years. Every half century then our country becomes a tabula raſa, whereon we have to ſet out anew, as in the firſt moment of ſeating it. Whereas when buildings are of durable materials, every new edifice is an actual and permanent acquiſition to the ſtate, adding to its value as well as to its ornament.

QUERY XVI.

Tories. THE meaſures taken with regard of the eſtates and poſſeſſions of the rebels, commonly called Tories?

A Tory has been properly defined to be a traitor in thought, but not in deed. The only deſcription, by which the laws have endeavoured to come at them, was that of nonjurors, or perſons refuſing to take the oath of fidelity to the ſtate. Perſons of this deſcription were at one time ſubjected to double taxation, at another to treble, and laſtly were allowed retribution, and placed on a level with good citizens. It may be mentioned as a proof both of the lenity of our government, and unanimity of its inhabitants, that

though this war has now raged near ſeven years, not a ſingle execution for treaſon has taken place.

Under this query I will ſtate the meaſures which have been adopted as to Britiſh property, the owners of which ſtand on a much fairer footing than the Tories. By our laws, the ſame as the Engliſh in this reſpect, no alien can hold lands, nor alien enemy maintain an action for money, or other moveable thing. Lands acquired or held by aliens become forfeited to the ſtate; and, on an action by an alien enemy to recover money, or other moveable property, the defendant may plead that he is an alien enemy. This extinguiſhes his right in the hands of the debtor or holder of his moveable property. By our ſeparation from Great-Britain, Britiſh ſubjects became aliens, and being at war, they were alien enemies. Their lands were of courſe forfeited, and their debts irrecoverable. The aſſembly however paſſed laws, at various times, for ſaving their property. They firſt ſequeſtered their lands, ſlaves, and other property on their farms, in the hands of commiſſioners, who were moſtly the confidential friends or agents of the owners, and directed their clear profits to be paid into the treaſury: and they gave leave to all perſons owing debts to Britiſh ſubjects to pay them

alſo into the treaſury. The monies ſo to be brought in were declared to remain the property of the Britiſh ſubject, and, if uſed by the ſtate, were to be repaid, unleſs an improper conduct in Great-Britain ſhould render a detention of it reaſonable. Depreciation had at that time, though unacknowledged and unperceived by the Whigs, begun in ſome ſmall degree. Great ſums of money were paid in by debtors. At a later period, the aſſembly, adhering to the political principles which forbid an alien to hold lands in the ſtate, ordered all Britiſh property to be ſold: and, become ſenſible of the real progreſs of depreciation, and of the loſſes which would thence occur, if not guarded againſt, they ordered that the proceeds of the ſales ſhould be converted into their then worth in tobacco, ſubject to the future direction of the legiſlature. This act has left the queſtion of retribution more problematical. In May 1780 another act took away the permiſſion to pay into the public treaſury debts due to Britiſh ſubjects.

QUERY

QUERY XVII.

THE different religions received into that ſtate?

Religion.

The firſt ſettlers in this country were emigrants from England, of the Engliſh church, juſt at a point of time when it was fluſhed with complete victory over the religious of all other perſuaſions. Poſſeſſed, as they became, of the powers of making, adminiſtering, and executing the laws, they ſhewed equal intolerance in this country with their Preſbyterian brethren, who had emigrated to the northern government. The poor Quakers were flying from perſecution in England. They caſt their eyes on theſe new countries as aſylums of civil and religious freedom; but they found them free only for the reigning ſect. Several acts of the Virginia aſſembly of 1659, 1662, and 1693, had made it penal in parents to refuſe to have their children baptized; had prohibited the unlawful aſſembling of Quakers; had made it penal for any maſter of a veſſel to bring a Quaker into the ſtate; had ordered thoſe already here, and ſuch as ſhould come thereafter, to be impriſoned till they ſhould abjure the country; provided a milder puniſh-

ment for their firſt and ſecond return, but death for their third; had inhibited all perſons from ſuffering their meetings in or near their houſes, entertaining them individually, or diſpoſing of books which ſupported their tenets. If no capital execution took place here, as did in New-England, it was not owing to the moderation of the church, or ſpirit of the legiſlature, as may be inferred from the law itſelf; but to hiſtorical circumſtances which have not been handed down to us. The Anglicans retained full poſſeſſion of the country about a century. Other opinions began then to creep in, and the great care of the government to ſupport their own church, having begotten an equal degree of indolence in its clergy, two-thirds of the people had become diſſenters at the commencement of the preſent revolution. The laws indeed were ſtill oppreſſive on them, but the ſpirit of the one party had ſubſided into moderation, and of the other had riſen to a degree of determination which commanded reſpect.

The preſent ſtate of our laws on the ſubject of religion is this. The convention of May 1776, in their declaration of rights, declared it to be a truth, and a natural right, that the exerciſe of religion ſhould be free; but when they proceeded to form on that declaration

declaration the ordinance of government, inſtead of taking up every principle declared in the bill of rights, and guarding it by legiſlative ſanction, they paſſed over that which aſſerted our religious rights, leaving them as they found them. The ſame convention, however, when they met as a member of the general aſſembly in October 1776, repealed all *acts of parliament* which had rendered criminal the maintaining any opinions in matters of religion, the forbearing to repair to church, and the exerciſing any mode of worſhip; and ſuſpended the laws giving ſalaries to the clergy, which ſuſpenſion was made perpetual in October 1779. Statutory oppreſſions in religion being thus wiped away, we remain at preſent under thoſe only impoſed by the common law, or by our own acts of aſſembly. At the common law, *hereſy* was a capital offence, puniſhable by burning. Its definition was left to the eccleſiaſtical judges, before whom the conviction was, till the ſtatute of the 1 El. c. 1. circumſcribed it, by declaring, that nothing ſhould be deemed hereſy, but what had been ſo determined by authority of the canonical ſcriptures, or by one of the four firſt general councils, or by ſome other council having for the grounds of their declaration the expreſs and plain words of the ſcriptures.

Hereſy, thus circumſcribed, being an offence at the common law, our act of aſſembly of October 1777, c. 17. gives cognizance of it to the general court, by declaring, that the juriſdiction of that court ſhall be general in all matters at the common law. The execution is by the writ *De hæretico comburendo.* By our own act of aſſembly of 1705, c. 30, if a perſon brought up in the Chriſtian religion denies the being of a God, or the Trinity, or aſſerts there are more Gods than one, or denies the Chriſtian religion to be true, or the ſcriptures to be of divine authority, he is puniſhable on the firſt offence by incapacity to hold any office or employment eccleſiaſtical, civil, or military; on the ſecond by diſability to ſue, to take any gift or legacy, to be guardian, executor, or adminiſtrator, and by three years impriſonment, without bail. A father's right to the cuſtody of his own children being founded in law on his right of guardianſhip, this being taken away, they may of courſe be ſevered from him, and put, by the authority of a court, into more orthodox hands. This is a ſummary view of that religious ſlavery, under which a people have been willing to remain, who have laviſhed their lives and fortunes for the eſtabliſhment of their civil freedom. * The error ſeems not ſufficiently eradi-

* Furneaux paſſim.

cated,

cated, that the operations of the mind, as well as the acts of the body, are subject to the coercion of the laws. But our rulers can have authority over such natural rights only as we have submitted to them. The rights of conscience we never submitted, we could not submit. We are answerable for them to our God. The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbour to say there are twenty gods, or no god. It neither picks my pocket nor breaks my leg. If it be said, his testimony in a court of justice cannot be relied on, reject it then, and be the stigma on him. Constraint may make him worse by making him a hypocrite, but it will never make him a truer man. It may fix him obstinately in his errors, but will not cure them. Reason and free enquiry are the only effectual agents against error. Give a loose to them, they will support the true religion, by bringing every false one to their tribunal, to the test of their investigation. They are the natural enemies of error, and of error only. Had not the Roman government permitted free enquiry, Christianity could never have been introduced. Had not free enquiry been indulged, at the æra of the reformation, the corruptions of Christianity could

could not have been purged away. If it be reſtrained now, the preſent corruptions will be protected, and new ones encouraged. Was the government to preſcribe to us our medicine and diet, our bodies would be in ſuch keeping as our ſouls are now. Thus in France the emetic was once forbidden as a medicine, and the potatoe as an article of food. Government is juſt as infallible too when it fixes ſyſtems in phyſics. Galileo was ſent to the inquiſition for affirming that the earth was a ſphere: the government had declared it to be as flat as a trencher, and Galileo was obliged to abjure his error. This error however at length prevailed, the earth became a globe, and Deſcartes declared it was whirled round its axis by a vortex. The government in which he lived was wiſe enough to ſee that this was no queſtion of civil juriſdiction, or we ſhould all have been involved by authority in vortices. In fact, the vortices have been exploded, and the Newtonian principle of gravitation is now more firmly eſtabliſhed, on the baſis of reaſon, than it would be were the government to ſtep in, and to make it an article of neceſſary faith. Reaſon and experiment have been indulged, and error has fled before them. It is error alone which needs the ſupport of government. Truth can ſtand by itſelf.

itſelf. Subject opinion to coercion: whom will you make your inquiſitors? Fallible men; men governed by bad paſſions, by private as well as public reaſons. And why ſubject it to coercion? To produce uniformity. But is uniformity of opinion deſireable? No more than of face and ſtature. Introduce the bed of Procruſtes then, and as there is danger that the large men may beat the ſmall, make us all of a ſize, by lopping the former and ſtretching the latter. Difference of opinion is advantageous in religion. The ſeveral ſects perform the office of a Cenſor morum over each other. Is uniformity attainable? Millions of innocent men, women, and children, ſince the introduction of Chriſtianity, have been burnt, tortured, fined, impriſoned; yet we have not advanced one inch towards uniformity. What has been the effect of coercion? To make one half the world fools, and the other half hypocrites. To ſupport roguery and error all over the earth. Let us reflect that it is inhabited by a thouſand millions of people. That theſe profeſs probably a thouſand different ſyſtems of religion. That ours is but one of that thouſand. That if there be but one right, and ours that one, we ſhould wiſh to ſee the 999 wandering ſects gathered into the fold of truth. But againſt ſuch a majority we

cannot

cannot effect this by force. Reaſon and perſuaſion are the only practicable inſtruments. To make way for theſe, free enquiry muſt be indulged; and how can we wiſh others to indulge it while we refuſe it ourſelves. But every ſtate, ſays an inquiſitor, has eſtabliſhed ſome religion. No two, ſay I, have eſtabliſhed the ſame. Is this a proof of the infallibility of eſtabliſhments? Our ſiſter ſtates of Pennſylvania and New York, however, have long ſubſiſted without any eſtabliſhment at all. The experiment was new and doubtful when they made it. It has anſwered beyond conception. They flouriſh infinitely. Religion is well ſupported; of various kinds, indeed, but all good enough; all ſufficient to preſerve peace and order: or if a ſect ariſes, whoſe tenets would ſubvert morals, good ſenſe has fair play, and reaſons and laughs it out of doors, without ſuffering the ſtate to be troubled with it. They do not hang more malefactors than we do. They are not more diſturbed with religious diſſenſions. On the contrary, their harmony is unparalleled, and can be aſcribed to nothing but their unbounded tolerance, becauſe there is no other circumſtance in which they differ from every nation on earth. They have made the happy diſcovery, that the way to ſilence religious diſputes, is to take no notice of them. Let

us too give this experiment fair play, and get rid, while we may, of thoſe tyrannical laws. It is true, we are as yet ſecured againſt them by the ſpirit of the times. I doubt whether the people of this country would ſuffer an execution for hereſy, or a three years impriſonment for not comprehending the myſteries of the Trinity. But is the ſpirit of the people an infallible, a permanent reliance? Is it government? Is this the kind of protection we receive in return for the rights we give up? Beſides, the ſpirit of the times may alter, will alter. Our rulers will become corrupt, our people careleſs. A ſingle zealot may commence perſecutor, and better men be his victims. It can never be too often repeated, that the time for fixing every eſſential right on a legal baſis is while our rulers are honeſt, and ourſelves united. From the concluſion of this war we ſhall be going down hill. It will not then be neceſſary to reſort every moment to the people for ſupport. They will be forgotten, therefore, and their rights diſregarded. They will forget themſelves, but in the ſole faculty of making money, and will never think of uniting to effect a due reſpect for their rights. The ſhackles, therefore, which ſhall not be knocked off at the concluſion of this war, will remain on us long, will be made

heavier

heavier and heavier, till our rights ſhall revive or expire in a convulſion.

QUERY XVIII.

Manners. THE *particular* cuſtoms and manners that may happen to be received in that ſtate?

It is difficult to determine on the ſtandard by which the manners of a nation may be tried, whether *catholic*, or *particular*. It is more difficult for a native to bring to that ſtandard the manners of his own nation, familiarized to him by habit. There muſt doubtleſs be an unhappy influence on the manners of our people produced by the exiſtence of ſlavery among us. The whole commerce between maſter and ſlave is a perpetual exerciſe of the moſt boiſterous paſſions, the moſt unremitting deſpotiſm on the one part, and degrading ſubmiſſions on the other. Our children ſee this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he ſees others do. If a parent could find no motive either in his philanthropy or his ſelf-love, for reſtraining the

the intemperance of paſſion towards his ſlave, it ſhould always be a ſufficient one that his child is preſent. But generally it is not ſufficient. The parent ſtorms, the child looks on, catches the lineaments of wrath, puts on the ſame airs in the circle of ſmaller ſlaves, gives a looſe to his worſt of paſſions, and thus nurſed, educated, and daily exerciſed in tyranny, cannot but be ſtamped by it with odious peculiarities. The man muſt be a prodigy who can retain his manners and morals undepraved by ſuch circumſtances. And with what execration ſhould the ſtateſman be loaded, who permitting one half the citizens thus to trample on the rights of the other, transforms thoſe into deſpots, and theſe into enemies, deſtroys the morals of the one part, and the amor patriæ of the other. For if a ſlave can have a country in this world, it muſt be any other in preference to that in which he is born to live and labour for another: in which he muſt lock up the faculties of his nature, contribute as far as depends on his individual endeavours to the evaniſhment of the human race, or entail his own miſerable condition on the endleſs generations proceeding from him. With the morals of the people, their induſtry alſo is deſtroyed. For in a warm climate, no man will labour for himſelf

ſelf who can make another labour for him. This is ſo true, that of the proprietors of ſlaves a very ſmall proportion indeed are ever ſeen to labour. And can the liberties of a nation be thought ſecure when we have removed their only firm baſis, a conviction in the minds of the people that theſe liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is juſt: that his juſtice cannot ſleep for ever: that conſidering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of ſituation, is among poſſible events: that it may become probable by ſupernatural interference! The Almighty has no attribute which can take ſide with us in ſuch a conteſt. —But it is impoſſible to be temperate and to purſue this ſubject through the various conſiderations of policy, of morals, of hiſtory natural and civil. We muſt be contented to hope they will force their way into every one's mind. I think a change already perceptible, ſince the origin of the preſent revolution. The ſpirit of the maſter is abating, that of the ſlave riſing from the duſt, his condition mollifying, the way I hope preparing, under the auſpices of heaven, for a total emancipation, and that this is diſpoſed,

diſpoſed, in the order of events, to be with the conſent of the maſters, rather than by their extirpation.

QUERY XIX.

THE preſent ſtate of manufactures, commerce, interior and exterior trade? Manufactures.

We never had an interior trade of any importance. Our exterior commerce has ſuffered very much from the beginning of the preſent conteſt. During this time we have manufactured within our families the moſt neceſſary articles of cloathing. Thoſe of cotton will bear ſome compariſon with the ſame kinds of manufacture in Europe; but thoſe of wool, flax and hemp are very coarſe, unſightly, and unpleaſant: and ſuch is our attachment to agriculture, and ſuch our preference for foreign manufactures, that be it wiſe or unwiſe, our people will certainly return as ſoon as they can, to the raiſing raw materials, and exchanging them for finer manufactures than they are able to execute themſelves.

The political œconomiſts of Europe have eſtabliſhed it as a principle that every ſtate

ſhould endeavour to manufacture for itſelf: and this principle, like many others, we transfer to America, without calculating the difference of circumſtance which ſhould often produce a difference of reſult. In Europe the lands are either cultivated, or locked up againſt the cultivator. Manufacture muſt therefore be reſorted to of neceſſity not of choice, to ſupport the ſurplus of their people. But we have an immenſity of land courting the induſtry of the huſbandman. Is it beſt then that all our citizens ſhould be employed in its improvement, or that one half ſhould be called off from that to exerciſe manufactures and handicraft arts for the other? Thoſe who labour in the earth are the choſen people of God, if ever he had a choſen people, whoſe breaſts he has made his peculiar depoſit for ſubſtantial and genuine virtue. It is the focus in which he keeps alive that ſacred fire, which otherwiſe might eſcape from the face of the earth. Corruption of morals in the maſs of cultivators is a phænomenon of which no age nor nation has furniſhed an example. It is the mark ſet on thoſe, who not looking up to heaven, to their own ſoil and induſtry, as does the huſbandman, for their ſubſiſtance, depend for it on the caſualties and caprice of cuſtomers. Dependance begets ſubſervience and venality, ſuffocates the germ of virtue,

and prepares fit tools for the deſigns of ambition. This, the natural progreſs and conſequence of the arts, has ſometimes perhaps been retarded by accidental circumſtances: but, generally ſpeaking, the proportion which the aggregate of the other claſſes of citizens bears in any ſtate to that of its huſbandmen, is the proportion of its unſound to its healthy parts, and is a good-enough barometer whereby to meaſure its degree of corruption. While we have land to labour then, let us never wiſh to ſee our citizens occupied at a work-bench, or twirling a diſtaff. Carpenters, maſons, ſmiths, are wanting in huſbandry: but, for the general operations of manufacture, let our work-ſhops remain in Europe. It is better to carry proviſions and materials to workmen there, than bring them to the proviſions and materials, and with them their manners and principles. The loſs by the tranſportation of commodities acroſs the Atlantic will be made up in happineſs and permanence of government. The mobs of great cities add juſt ſo much to the ſupport of pure government, as ſores do to the ſtrength of the human body. It is the manners and ſpirit of a people which preſerve a republic in vigour. A degeneracy in theſe is a canker which ſoon eats to the heart of its laws and conſtitution.

QUERY XX.

Commercial productions.

A NOTICE of the commercial productions particular to the ſtate, and of thoſe objects which the inhabitants are obliged to get from Europe and from other parts of the world?

Before the preſent war we exported, communibus annis, according to the beſt information I can get, nearly as follows:

ARTICLES.	Quantity.	Price in dollars.	Am. in dollars.
Tobacco	55,000 hhds. of 1000 lb.	at 30 d. per hhd.	1,650,000
Wheat	800,000 buſhels	at $\frac{5}{6}$ d. per buſh.	666,666$\frac{2}{3}$
Indian corn	600,000 buſhels	at $\frac{1}{3}$ d. per buſh.	200,000
Shipping	—	—	100,000
Maſts, planks, ſkantling, ſhingles, ſtaves	—	—	66,666$\frac{2}{3}$
Tar, pitch, turpentine	30,000 barrels	at 1$\frac{1}{3}$ d. per bar.	40,000
Peltry, viz. ſkins of deer, beavers, otters, muſkrats, racoons, foxes	180 hhds. of 600 lb.	at $\frac{5}{12}$ d. per lb.	42,000
Pork	4,000 barrels	at 10 d. per bar.	40,000
Flax-ſeed, hemp, cotton	—	—	8,000
Pit-coal, pig-iron	—	—	6,666$\frac{2}{3}$
Peas	5,000 buſhels	at $\frac{2}{3}$ d. per buſh.	3,333$\frac{1}{3}$
Beef	1,000 barrels	at 3$\frac{1}{3}$ d. per bar.	3,333$\frac{1}{3}$
Sturgeon, white ſhad, herring	—	—	3,333$\frac{1}{3}$
Brandy from peaches and apples, and whiſkey	—	—	1,666$\frac{2}{3}$
Horſes	—	—	1,666$\frac{2}{3}$
This ſum is equal to 850,000l. Virginia money, 607,142 guineas.			2,833,333$\frac{1}{3}$ D.

In the year 1758 we exported ſeventy thouſand hogſheads of tobacco, which was the greateſt quantity ever produced in this country in one year. But its culture was faſt declining at the commencement of this war and that of wheat taking its place: and it muſt continue to decline on the return of peace. I ſuſpect that the change in the temperature of our climate has become ſenſible to that plant, which, to be good, requires an extraordinary degree of heat. But it requires ſtill more indiſpenſably an uncommon fertility of ſoil: and the price which it commands at market will not enable the planter to produce this by manure. Was the ſupply ſtill to depend on Virginia and Maryland alone, as its culture becomes more difficult, the price would riſe, ſo as to enable the planter to ſurmount thoſe difficulties and to live. But the weſtern country on the Miſſiſipi, and the midlands of Georgia, having freſh and fertile lands in abundance, and a hotter ſun, will be able to underſell theſe two ſtates, and will oblige them to abandon the raiſing tobacco altogether. And a happy obligation for them it will be. It is a culture productive of infinite wretchedneſs. Thoſe employed in it are in a continued ſtate of exertion beyond the powers of nature to ſupport. Little food

food of any kind is raiſed by them; ſo that the men and animals on theſe farms are badly fed, and the earth is rapidly impoveriſhed. The cultivation of wheat is the reverſe in every circumſtance. Beſides cloathing the earth with herbage, and preſerving its fertility, it feeds the labourers plentifully, requires from them only a moderate toil, except in the ſeaſon of harveſt, raiſes great numbers of animals for food and ſervice, and diffuſes plenty and happineſs among the whole. We find it eaſier to make an hundred buſhels of wheat than a thouſand weight of tobacco, and they are worth more when made. The weavil indeed is a formidable obſtacle to the cultivation of this grain with us. But principles are already known which muſt lead to a remedy. Thus a certain degree of heat, to wit, that of the common air in ſummer, is neceſſary to hatch the egg. If ſubterranean granaries, or others, therefore, can be contrived below that temperature, the evil will be cured by cold. A degree of heat beyond that which hatches the egg, we know will kill it. But in aiming at this we eaſily run into that which produces putrefaction. To produce putrefaction, however, three agents are requiſite, heat, moiſture, and the external air. If the abſence of any one of theſe be ſecured, the other

two may safely be admitted. Heat is the one we want. Moisture then, or external air, must be excluded. The former has been done by exposing the grain in kilns to the action of fire, which produces heat, and extracts moisture at the same time: the latter, by putting the grain into hogsheads, covering it with a coat of lime, and heading it up. In this situation its bulk produces a heat sufficient to kill the egg; the moisture is suffered to remain indeed, but the external air is excluded. A nicer operation yet has been attempted; that is, to produce an intermediate temperature of heat between that which kills the egg, and that which produces putrefaction. The threshing the grain as soon as it is cut, and laying it in its chaff in large heaps, has been found very nearly to hit this temperature, though not perfectly, nor always. The heap generates heat sufficient to kill most of the eggs, whilst the chaff commonly restrains it from rising into putrefaction. But all these methods abridge too much the quantity which the farmer can manage, and enable other countries to undersell him which are not infested with this insect. There is still a desideratum then to give with us decisive triumph to this branch of agriculture over that of tobacco.—The culture of wheat, by enlarging our pasture,

will

will render the Arabian horſe an article of very conſiderable profit. Experience has ſhewn that ours is the particular climate of America where he may be raiſed without degeneracy. Southwardly the heat of the ſun occaſions a deficiency of paſture, and northwardly the winters are too cold for the ſhort and fine hair, the particular ſenſibility and conſtitution of that race. Animals tranſplanted into unfriendly climates, either change their nature and acquire new fences againſt the new difficulties in which they are placed, or they multiply poorly and become extinct. A good foundation is laid for their propagation here by our poſſeſſing already great numbers of horſes of that blood, and by a decided taſte and preference for them eſtabliſhed among the people. Their patience of heat without injury, their ſuperior wind, fit them better in this and the more ſouthern climates even for the drudgeries of the plough and waggon. Northwardly they will become an object only to perſons of taſte and fortune, for the ſaddle and light carriages. To theſe, and for theſe uſes, their fleetneſs and beauty will recommend them.—Beſides theſe there will be other valuable ſubſtitutes when the cultivation of tobacco ſhall be diſcontinued, ſuch as cotton

ton in the eaſtern parts of the ſtate, and hemp and flax in the weſtern.

It is not eaſy to ſay what are the articles either of neceſſity, comfort, or luxury, which we cannot raiſe, and which we therefore ſhall be under a neceſſity of importing from abroad, as every thing hardier than the olive, and as hardy as the fig, may be raiſed here in the open air. Sugar, coffee and tea, indeed, are not between theſe limits; and habit having placed them among the neceſſaries of life with the wealthy part of our citizens, as long as theſe habits remain, we muſt go for them to thoſe countries which are able to furniſh them.

QUERY XXI.

Weights, Meaſures, Money.

THE weights, meaſures, and the currency of the hard money? Some details relating to the exchange with Europe?

Our weights and meaſures are the ſame which are fixed by acts of parliament in England.—How it has happened that in this as well as the other American ſtates the nominal value of coin was made to differ from what it was in the country we had left, and

to

to differ among ourſelves too, I am not able to ſay with certainty. I find that in 1631 our houſe of burgeſſes deſired of the privy council in England, a coin debaſed to twenty-five per cent: that in 1645 they forbid dealing by barter for tobacco, and eſtabliſhed the Spaniſh piece of eight at ſix ſhillings, as the ſtandard of their currency: that in 1655 they changed it to five ſhillings ſterling. In 1680 they ſent an addreſs to the king, in conſequence of which, by proclamation in 1683, he fixed the value of French crowns, rixdollars and pieces of eight at ſix ſhillings, and the coin of New-England at one ſhilling. That in 1710, 1714, 1727, and 1762, other regulations were made, which will be better preſented to the eye ſtated in the form of a table as follows:

	1710.	1714.	1727.	1761.
Guineas — — —	— —	26/		
Britiſh gold coin not milled, coined gold of Spain and France, chequins, Arabian gold, moidores of Portugal —	— —	5/ the dwt.		
Coined gold of the empire — —	— —	5/ the dwt.	— —	4/3 the dwt.
Engliſh milled ſilver money, in proportion to the crown, at — —	— —	5/10	6/3	
Pieces of eight of Mexico, Seville, and Pillar, ducatoons of Flanders, French ecus, or ſilver Louis, cruſados of Portugal — — —	3¾ d. the dwt.	— —	4 d. the dwt.	
Peru pieces, croſs dollars, and old rixdollars of the empire — —	3½ d. the dwt.	— —	3¾ d. the dwt.	
Old Britiſh ſilver coin not milled — —	— —	3¾ d. the dwt.		

The firſt ſymptom of the depreciation of our preſent paper-money, was that of ſilver dollars ſelling at ſix ſhillings, which had before been worth but five ſhillings and ninepence. The aſſembly thereupon raiſed them by law to ſix ſhillings. As the dollar is now likely to become the money-unit of America, as it paſſes at this rate in ſome of our ſiſter-ſtates, and as it facilitates their computation in pounds and ſhillings, & e converſo, this ſeems to be more convenient than it's former denomination. But as this particular coin now ſtands higher than any other in the proportion of $133\frac{1}{3}$ to 125, or 16 to 15, it will be neceſſary to raiſe the others in the ſame proportion.

QUERY XXII.

THE public income and expences? Revenue.

The nominal amount of theſe varying conſtantly and rapidly, with the conſtant and rapid depreciation of our paper-money, it becomes impracticable to ſay what they are. We find ourſelves cheated in every eſſay by the depreciation intervening between the declaration of the tax and its actual receipt. It will therefore be more ſatisfactory to conſider

ſider what our income may be when we ſhall find means of collecting what the people may ſpare. I ſhould eſtimate the whole taxable property of this ſtate at an hundred millions of dollars, or thirty millions of pounds our money. One per cent on this, compared with any thing we ever yet paid, would be deemed a very heavy tax. Yet I think that thoſe who manage well, and uſe reaſonable œconomy, could pay one and a half per cent, and maintain their houſhould comfortably in the mean time, without aliening any part of their principal, and that the people would ſubmit to this willingly for the purpoſe of ſupporting their preſent conteſt. We may ſay then, that we could raiſe, and ought to raiſe, from one million to one million and a half of dollars annually, that is from three hundred to four hundred and fifty thouſand pounds, Virginia money.

Of our expences it is equally difficult to give an exact ſtate, and for the ſame reaſon. They are moſtly ſtated in paper money, which varying continually, the legiſlature endeavours at every ſeſſion, by new corrections, to adapt the nominal ſums to the value it is wiſhed they ſhould bear. I will ſtate them therefore in real coin, at the point at which they endeavour to keep them.

The

	Dollars.
The annual expences of the general assembly are about	20,000
The governor	3,333⅓
The council of ſtate	10,666⅔
Their clerks	1,166⅔
Eleven judges	11000
The clerk of the chancery	666⅔
The attorney general	1,000
Three auditors and a ſolicitor	5,333⅓
Their clerks	2,000
The treaſurer	2,000
His clerks	2,000
The keeper of the public jail	1,000
The public printer	1,666⅔
Clerks of the inferior courts	43,333⅓
Public levy: this is chiefly for the expences of criminal juſtice	40,000
County levy, for bridges, court houſes, priſons, &c.	40,000
Members of congreſs	7000
Quota of the Federal civil liſt, ſuppoſed $\frac{1}{6}$ of about 78,000 dollars	13,000
Expences of collection, 6 per cent. on the above	12,310
The clergy receive only voluntary contributions: ſuppoſe them on an average $\frac{1}{8}$ of a dollar a tythe on 200,000 tythes	25,000

Con-

Contingencies, to make round numbers not far from truth —— 7,523$\frac{1}{3}$

250,000

Dollars, or 53,571 guineas. This eſtimate is excluſive of the military expence. That varies with the force actually employed, and in time of peace will probably be little or nothing. It is excluſive alſo of the public debts, which are growing while I am writing, and cannot therefore be now fixed. So it is of the maintenance of the poor, which being merely a matter of charity, cannot be deemed expended in the adminiſtration of government. And if we ſtrike out the 25,000 dollars for the ſervices of the clergy, which neither makes part of that adminiſtration, more than what is paid to phyſicians or lawyers, and being voluntary, is either much or nothing as every one pleaſes, it leaves 225,000 dollars, equal to 48,208 guineas, the real coſt of the apparatus of government with us. This, divided among the actual inhabitants of our country, comes to about two-fifths of a dollar, 2id ſterling, or 42 ſols, the price which each pays annually for the protection of the reſidue of his property, that of his perſon, and the other advantages of a free government. The public revenues of Great Britain divided in like manner on its

its inhabitants would be ſixteen times greater. Deducting even the double of the expences of government, as before eſtimated, from the million and a half of dollars which we before ſuppoſed might be annually paid without diſtreſs, we may conclude that this ſtate can contribute one million of dollars annually towards ſupporting the federal army, paying the federal debt, building a federal navy, or opening roads, clearing rivers, forming ſafe ports, and other uſeful works.

To this eſtimate of our abilities, let me add a word as to the application of them, if, when cleared of the preſent conteſt, and of the debts with which that will charge us, we come to meaſure force hereafter with any European power. Such events are devoutly to be deprecated. Young as we are, and with ſuch a country before us to fill with people and with happineſs, we ſhould point in that direction the whole generative force of nature, waſting none of it in efforts of mutual deſtruction. It ſhould be our endeavour to cultivate the peace and friendſhip of every nation, even of that which has injured us moſt, when we ſhall have carried our point againſt her. Our intereſt will be to throw open the doors of commerce, and to knock off all its ſhackles, giving perfect freedom to all perſons for the vent of what-

ever they may chuſe to bring into our ports, and aſking the ſame in theirs. Never was ſo much falſe arithmetic employed on any ſubject, as that which has been employed to perſuade nations that it is their intereſt to go to war. Were the money which it has coſt to gain, at the cloſe of a long war, a little town, or a little territory, the right to cut wood here, or to catch fiſh there, expended in improving what they already poſſeſs, in making roads, opening rivers, building ports, improving the arts, and finding employment for their idle poor, it would render them much ſtronger, much wealthier and happier.' This I hope will be our wiſdom. And, perhaps, to remove as much as poſſible the occaſions of making war, it might be better for us to abandon the ocean altogether, that being the element whereon we ſhall be principally expoſed to joſtle with other nations: to leave to others to bring what we ſhall want, and to carry what we can ſpare. This would make us invulnerable to Europe, by offering none of our property to their prize, and would turn all our citizens to the cultivation of the earth; and, I repeat it again, cultivators of the earth are the moſt virtuous and independant citizens. It might be time enough to ſeek employment for them at ſea, when the land no longer offers it. But the actual ha-

bits of our countrymen attach them to commerce. They will exercise it for themselves. Wars then must sometimes be our lot; and all the wise can do, will be to avoid that half of them which would be produced by our own follies, and our own acts of injustice; and to make for the other half the best preparations we can. Of what nature should these be? A land army would be useless for offence, and not the best nor safest instrument of defence. For either of these purposes, the sea is the field on which we should meet an European enemy. On that element it is necessary we should possess some power. To aim at such a navy as the greater nations of Europe possess, would be a foolish and wicked waste of the energies of our countrymen. It would be to pull on our own heads that load of military expence, which makes the European labourer go supperless to bed, and moistens his bread with the sweat of his brows. It will be enough if we enable ourselves to prevent insults from those nations of Europe which are weak on the sea, because circumstances exist, which render even the stronger ones weak as to us. Providence has placed their richest and most defenceless possessions at our door; has obliged their most precious commerce to pass as it were in review before us. To protect this, or to

aſſail us, a ſmall part only of [illegible] naval force will ever be riſqued acro[illegible]ntic. The dangers to which the elements expoſe them here are too well known, and the greater dangers to which they would be expoſed at home, were any general calamity to involve their whole fleet. They can attack us by detachment only; and it will ſuffice to make ourſelves equal to what they may detach. Even a ſmaller force than they may detach will be rendered equal or ſuperior by the quickneſs with which any check may be repaired with us, while loſſes with them will be irreparable till too late. A ſmall naval force then is ſufficient for us, and a ſmall one is neceſſary. What this ſhould be, I will not undertake to ſay. I will only ſay, it ſhould by no means be ſo great as we are able to make it. Suppoſe the million of dollars, or 300,000 pounds, which Virginia could annually ſpare without diſtreſs, to be applied to the creating a navy. A ſingle year's contribution would build, equip, man, and ſend to ſea a force which ſhould carry 300 guns. The reſt of the confederacy, exerting themſelves in the ſame proportion, would equip in the ſame time 1500 guns more. So that one year's contributions would ſet up a navy of 1800 guns. The Britiſh ſhips of the line average 76

guns; their frigates 38. 1800 guns then would form a fleet of 30 ships, 18 of which might be of the line, and 12 frigates. Allowing 8 men, the British average, for every gun, their annual expence, including subsistence, cloathing, pay, and ordinary repairs, would be about 1280 dollars for every gun, or 2,304,000 dollars for the whole. I state this only as one year's possible exertion, without deciding whether more or less than a year's exertion should be thus applied.

The value of our lands and slaves, taken conjunctly, doubles in about twenty years. This arises from the multiplication of our slaves, from the extension of culture, and increased demand for lands. The amount of what may be raised will of course rise in the same proportion.

QUERY XXII.

THE histories of the state, the memorials published in its name in the time of its being a colony, and the pamphlets relating to its interior or exterior affairs present or antient? Histories, &c.

Captain Smith, who next to Sir Walter Raleigh may be considered as the founder of our colony, has written it's history, from

the firſt adventures to it till the year 1624. He was a member of the council, and afterwards preſident of the colony; and to his efforts principally may be aſcribed its ſupport againſt the oppoſition of the natives. He was honeſt, ſenſible, and well informed; but his ſtyle is barbarous and uncouth. His hiſtory, however, is almoſt the only ſource from which we derive any knowledge of the infancy of our ſtate.

The reverend William Stith, a native of Virginia, and preſident of its college, has alſo written the hiſtory of the ſame period, in a large octavo volume of ſmall print. He was a man of claſſical learning, and very exact, but of no taſte in ſtyle. He is inelegant, therefore, and his details often too minute to be tolerable, even to a native of the country, whoſe hiſtory he writes.

Beverley, a native alſo, has run into the other extreme; he has compriſed our hiſtory, from the firſt propoſitions of Sir Walter Raleigh to the year 1700, in the hundredth part of the ſpace which Stith employs for the fourth part of the period.

Sir William Keith has taken it up at its earlieſt period, and continued it to the year 1725. He is agreeable enough in ſtyle, and paſſes over events of little importance. Of courſe he is ſhort, and would be preferred by a foreigner.

During

During the regal government, ſome conteſt aroſe on the exaction of an illegal fee by governor Dinwiddie, and doubtleſs there were others on other occaſions not at preſent recollected. It is ſuppoſed, that theſe are not ſufficiently intereſting to a foreigner to merit a detail.

The petition of the council and burgeſſes of Virginia to the king, their memorial to the lords, and remonſtrance to the commons—in the year 1764, began the preſent conteſt: and theſe having proved ineffectual to prevent the paſſage of the ſtamp-act, the reſolutions of the houſe of burgeſſes of 1765 were paſſed, declaring the independance of the people of Virginia on the parliament of Great-Britain, in matters of taxation. From that time till the declaration of independance by congreſs in 1776, their journals are filled with aſſertions of the public rights.

The pamphlets publiſhed in this ſtate on the controverted queſtion were,

1766, An Enquiry into the Rights of the Britiſh Colonies, by Richard Bland.

1769, The Monitor's Letters, by Dr. Arthur Lee.

1774, * A ſummary View of the Rights of Britiſh America.

—— Conſiderations, &c. by Robert Carter Nicholas.

* By the author of theſe Notes.

Since the declaration of independance this ſtate has had no controverſy with any other, except with that of Pennſylvania, on their common boundary. Some papers on this ſubject paſſed between the executive and legiſlative bodies of the two ſtates, the reſult of which was a happy accommodation of their rights.

To this account of our hiſtorians, memorials, and pamphlets, it may not be unuſeful to add a chronological catalogue of American ſtate-papers, as far as I have been able to collect their titles. It is far from being either complete or correct. Where the title alone, and not the paper itſelf, has come under my obſervation, I cannot anſwer for the exactneſs of the date. Sometimes I have not been able to find any date at all, and ſometimes have not been ſatisfied that ſuch a paper exiſts. An extenſive collection of papers of this deſcription has been for ſome time in a courſe of preparation by a * gentleman fully equal to the taſk, and from whom, therefore, we may hope ere long to receive it. In the mean time accept this as the reſult of my labours, and as cloſing the tedious detail which you have ſo undeſignedly drawn upon yourſelf.

* Mr. Hazard.

Pro

Pro Johanne Caboto et filiis ſuis ſuper terra incognita inveſtiganda. 12. Ry. 595. 3. Hakl. 4. 2. Mem. Am. 409. 1496, Mar. 5. 11. H. 7.

Billa ſignata anno 13. Henrici ſeptimi. 3. Hakluyt's voiages 5. 1498, Feb. 3. 13. H. 7.

De poteſtatibus ad terras incognitas inveſtigandum. 13. Rymer. 37. 1502, Dec. 19. 18. H. 7.

Commiſſion de François I. à Jacques Cartier pour l'eſtabliſſement du Canada. L'Eſcarbot. 397. 2. Mem. Am. 416. 1540, Oct. 17.

An act againſt the exaction of money, or any other thing, by any officer for licenſe to traffique into Iſeland and Newfoundland, made in An. 2. Edwardi ſexti. 3. Hakl. 131. 1548, 2. E. 6.

The letters-patent granted by her Majeſtie to Sir Humphrey Gilbert, knight, for the inhabiting and planting of our people in America. 3. Hakl. 135. 1578, June 11, 20. El.

Letters-patents of Queen Elizabeth to Adrian Gilbert and others, to diſcover the Northweſt paſſage to China. 3. Hakl. 96. 1583, Feb. 6.

The

1584, Mar. 25, 26 El. The letters-patents granted by the Queen's majeſtie to M. Walter Raleigh, now knight, for the diſcovering and planting of new lands and countries, to continue the ſpace of 6 years and no more. 3. Hakl. 243.

Mar. 7. 31. El. An aſſignment by Sir Walter Raleigh for continuing the action of inhabiting and planting his people in Virginia. Hakl. 1ſt. ed. publ. in 1589, p. 815.

1603, Nov. 8. Lettres de Lieutenant General de l'Acadie & pays circonvoiſins pour le Sieur de Monts. L'Eſcarbot. 417.

1606, Apr. 10, 4. Jac. 1. Letters patent to Sir Thomas Gates, Sir George Somers and others, for two ſeveral colonies to be made in Virginia and others parts of America. Stith. Append. No. 1.

1607, Mar. 9, 4. Jac. 1. An ordinance and conſtitution enlarging the council of the two colonies in Virginia and America, and augmenting their authority, M. S.

1609, May 23. 7. Jac. 1. The ſecond charter to the treaſurer and company for Virginia,

nia, erecting them into a body politick. Stith. Ap. 2.

Letters-patents to the E. of Northampton, granting part of the iſland of Newfoundland. 1. Harris. 861. 1610, Apr. 10. Jac. 1.

A third charter to the treaſurer and company for Virginia.—Stith. App. 3. 1611, Mar. 12. 9. Jac. 1.

A commiſſion to Sir Walter Raleigh. Qu.? 1617, Jac. 1.

Commiſſio ſpecialis concernens le garbling herbæ Nicotianæ. 17. Rym. 190. 1620, Apr. 7. 18. Jac. 1.

A proclamation for reſtraint of the diſordered trading of tobacco. 17. Rym. 233. 1620, June 29. 18. Jac. 1.

A grant of New England to the council of Plymouth. 1620, Nov. 3. Jac. 1.

An ordinance and conſtitution of the treaſurer, council and company in England, for a council of ſtate and general aſſembly in Virginia. Stith. App. 4. 1621, July 24. Jac. 1.

A grant of Nova Scotia to Sir William Alexander. 2. Mem. de l'Amerique. 193. 1621, Sep. 10-20. Jac. 1.

A proclamation prohibiting interloping and diſorderly trading to New England in America. 17. Rym. 416. 1622, Nov. 6. 20. Jac. 1.

De

1623, May 9. 21. Jac. 1. De Commiſſione ſpeciali Willielmo Jones militi directa. 17. Rym. 490.

1623. A grant to Sir Edmund Ployden, of New Albion. Mentioned in Smith's examination. 82.

1624, July 15. 22. Jac. 1. De Commiſſione Henrico vicecomiti Mandevill & aliis. 17. Rym. 609.

1624, Aug. 26. 22. Jac. 1. De Commiſſione ſpeciali concernenti gubernationem in Virginia. 17. Rym. 618.

1624, Sep. 29. 22. Jac. 1. A proclamation concerning tobacco. 17. Rym. 621.

1624, Nov. 9. 22. Jac. 1. De conceſſione demiſs. Edwardo Dichfield et aliis. 17. Rym. 633.

1625, Mar. 2. 22. Jac. 1. A proclamation for the utter prohibiting the importation and uſe of all tobacco which is not of the proper growth of the colony of Virginia and the Somer iſlands, or one of them. 17. Rym. 668.

1625, Mar. 4. 1. Car. 1. De commiſſione directa Georgio Yardeley militi et aliis. 18. Rym. 311.

1625, Apr. 9. 1. Car. 1. Proclamatio de herba Nicotianâ. 18. Rym. 19.

A pro-

A proclamation for ſettlinge the plantation of Virginia. 18. Rym. 72. 1625. May 13. 1. Car. 1.

A grant of the ſoil, barony, and domains of Nova Scotia to Sir Wm. Alexander of Minſtrie. 2. Mem. Am. 226. 1625, July 12.

Commiſſio directa Johanni Wolſtenholme militi et aliis. 18. Ry. 831. 1626, Jan. 31. 2. Car. 1.

A proclamation touching tobacco. Ry. 848. 1626, Feb. 17. 2. Car. 1.

A grant of Maſſachuſet's bay by the council of Plymouth to Sir Henry Roſwell and others. 1627, Mar. 19. qu.? 2. Car. 1.

De conceſſione commiſſionis ſpecialis pro concilio in Virginia. 18. Ry. 980. 1627, Mar. 26. 3. Car. 1.

De proclamatione de ſignatione de tobacco. 18. Ry. 886. 1627, Mar. 30. 3. Car. 1.

De proclamatione pro ordinatione de tobacco. 18. Ry. 920. 1627, Aug. 9, 3. Car. 1.

A confirmation of the grant of Maſſachuſet's bay by the crown. 1628, Mar. 4. 3. Car. 1.

The capitulation of Quebec. Champlain part. 2. 216. 2. Mem. Am. 489. 1629, Aug. 19.

A proclamation concerning tobacco. 19. Ry. 235. 1630, Jan. 6. 5. Car. 1.

Conveyance

1630, April 30. Conveyance of Nova Scotia (Port-royal excepted) by Sir William Alexander to Sir Claude St. Etienne Lord of la Tour and of Uarre and to his ſon Sir Charles de St. Etienne Lord of St. Denniſcourt, on condition that they continue ſubjects to the king of Scotland under the great ſeal of Scotland.

1630-31, Nov. 24. 6. Car. 1. A proclamation forbidding the diſorderly trading with the ſalvages in New England in America, eſpecially the furniſhing the natives in thoſe and other parts of America by the Engliſh with weapons and habiliments of warre. 19. Ry. 210. 3. Ruſhw. 82.

1630, Dec. 5. 6. Car. 1. A proclamation prohibiting the ſelling arms, &c. to the ſavages in America. Mentioned 3. Ruſhw. 75.

1630, Car. 1. A grant of Connecticut by the council of Plymouth to the E. of Warwick.

1630, Car. 1. A confirmation by the crown of the grant of Connecticut [ſaid to

to be in the petty bag office in England].

A conveiance of Connecticut by the E. of Warwick to Lord Say and Seal and others. Smith's examination, App. No. 1. 1631, Mar. 19. 6. Car. 1.

A ſpecial commiſſion to Edward Earle of Dorſett and others for the better plantation of the colony of Virginia. 19. Ry. 301. 1631, June 27. 7. Car. 1.

Litere continentes promiſſionem regis ad tradendum caſtrum et habitationem de Kebec in Canada ad regem Francorum. 19. Ry. 303. 1631, June 29. 7. Car. 1.

Traité entre le roy Louis XIII. et Charles roi d'Angleterre pour la reſtitution de la nouvelle France, la Cadie et Canada et des navires et merchandiſes pris de part et d'autre. Fait a St. Germain. 19. Ry. 361. 2. Mem. Am. 5. 1632, Mar. 29. 8. Car. 1.

A grant of Maryland to Cæcilius Calvert, Baron of Baltimore in Ireland. 1632, June 20. 8. Car. 1.

A petition of the planters of Virginia againſt the grant to Lord Baltimore. 1633, July 3. 9. Car. 1.

Order

1633, July 3. Order of council upon the diſpute between the Virginia planters and lord Baltimore. Votes of repreſ. of Pennſylvania. V.

1633, Aug. 13. 9. Car. 1. A proclamation to prevent abuſes growing by the unordered retailing of tobacco. Mentioned 3. Ruſhw. 191.

1633, Sept. 23. 9. Car. 1. A ſpecial commiſſion to Thomas Young to ſearch, diſcover and find out what parts are not yet inhabited in Virginia and America and other parts thereunto adjoining. 19. Ry. 472.

1633, Oct. 13. 9. Car. 1. A proclamation for preventing of the abuſes growing by the unordered retailing of tobacco. 19. Ry. 474.

1633, Mar. 13. Car. 1. A proclamation reſtraining the abuſive venting of tobacco. 19. Rym. 522.

1634, May 19. 10. Car. 1. A proclamation concerning the landing of tobacco, and alſo forbidding the planting thereof in the king's dominions. 19. Ry. 553.

1634, Car. 1. A commiſſion to the Archbiſhop of Canterbury and 11 others, for

for governing the American colonies.

A commiſſion concerning tobac- 1634, June 19. 10. Car. 1.
co. M. S.

A commiſſion from Lord Say 1635, July 18. 11. Car. 1.
and Seal, and others, to John Winthrop to be governor of Connecticut. Smith's App.

A grant to Duke Hamilton. 1635, Car. 1.

De commiſſione ſpeciali Johanni 1636, Apr. 2. 12. Car. 1.
Harvey militi pro meliori regimine coloniae in Virginia. 20. Ry. 3.

A proclamation concerning to- 1637, Mar. 14. Car. 1.
bacco. Title in 3. Ruſh. 617.

De commiſſione ſpeciali Georgio 1636-7, Mar. 16. 12. Car. 1.
domino Goring et aliis conceſſâ concernente venditionem de tobacco abſque licentiâ regiâ. 20. Ry. 116.

A proclamation againſt the diſ- 1637, Apr. 30. 13. Car. 1.
orderly tranſporting his Majeſty's ſubjects to the plantations within the parts of America. 20. Ry. 143. 3. Ruſh. 409.

An order of the privy council 1637, May 1. 13. Car. 1.
to ſtay 8 ſhips now in the Thames from going to New-England. 3. Ruſh. 409.

1637, Car. 1. A warrant of the Lord Admiral to ſtop unconformable miniſters from going beyond ſea. 3. Ruſh. 410.

1638, Apr. 4. Car. 1. Order of council upon Claiborne's petition againſt Lord Baltimore. Votes of repreſentatives of Pennſylvania. vi.

1638, Apr. 6. 14. Car. 1. An order of the king and council that the attorney-general draw up a proclamation to prohibit tranſportation of paſſengers to New-England without licenſe. 3. Ruſh. 718.

1638, May 1. 14. Car. 1. A proclamation to reſtrain the tranſporting of paſſengers and proviſions to New-England without licence. 20. Ry. 223.

1639, Mar. 25. Car. 1. A proclamation concerning tobacco. Title 4. Ruſh. 1060.

1639, Aug. 19. 15. Car. 1. A proclamation declaring his majeſty's pleaſure to continue his commiſſion and letters patents for licenſing retailers of tobacco. 20. Ry. 348.

1639, Dec. 16. 15. Car. 1. De commiſſione ſpeciali Henrico Aſhton armigero et aliis ad amovendum Henricum Hawley gubernatorem de Barbadoes. 20. Ry. 357.

A proclamation concerning retailers of tobacco. 4. Rush. 966. — 1639, Car. 1.

De constitutione gubernatoris et concilii pro Virginia. 20. Ry. 484. — 1641, Aug. 9. 17. Car. 1.

Articles of union and confederacy entered into by Massachusets, Plymouth, Connecticut and New-haven. 1. Neale. 223. — 1643, Car. 1.

Deed from George Fenwick to the old Connecticut jurisdiction. — 1644, Car. 1.

An ordinance of the lords and commons assembled in parliament, for exempting from custom and imposition all commodities exported for, or imported from New-England, which has been very prosperous and without any public charge to this state, and is likely to prove very happy for the propagation of the gospel in those parts. Tit. in Amer. library 90. 5. No date. But seems by the neighbouring articles to have been in 1644.

1644, June 20. Car. 2. An act for charging of tobacco brought from New-England with custom and excise. Title in American library. 99. 8.

1644, Aug. 1. Car. 2. An act for the advancing and regulating the trade of this commonwealth. Tit. Amer. libr. 99. 9.

Sept. 18. 1. Car. 2. Grant of the Northern neck of Virginia to Lord Hopton, Lord Jermyn, Lord Culpeper, Sir John Berkely, Sir William Moreton, Sir Dudly Wyatt, and Thomas Culpeper.

1650, Oct. 3. 2. Car. 2. An act prohibiting trade with the Barbadoes, Virginia, Bermudas and Antego. Scoble's Acts. 1027.

1650, Car. 2. A declaration of Lord Willoughby, governor of Barbadoes, and of his council, against an act of parliament of 3d of October 1650. 4. Polit. regist. 2. cited from 4. Neale. hist. of the Puritans. App. No. 12. but not there.

1650, Car. 2. A final settlement of boundaries between the Dutch New Netherlands and Connecticut.

In-

Inſtructions for Captain Robert Dennis, Mr. Richard Bennet, Mr. Thomas Stagge, and Capt. William Clabourne, appointed commiſſioners for the reducing of Virginia and the inhabitants thereof to their due obedience to the commonwealth of England. 1. Thurloe's ſtate papers. 197. 1651, Sept. 26. 3. Car. 2.

An act for increaſe of ſhipping and encouragement of the navigation of this nation. Scobell's acts. 1449. 1651, Oct. 9. 3. Car. 2.

Articles agreed on and concluded at James cittie in Virginia for the ſurrendering and ſettling of that plantation under the obedience and government of the commonwealth of England, by the commiſſioners of the council of ſtate, by authoritie of the parliament of England, and by the grand aſſembly of the governor, council, and burgeſſe of that ſtate. M. S. [Ante. pa. 201.] 1651-2, Mar. 12. 4. Car. 2.

An act of indempnitie made at the ſurrender of the countrey [of Virginia.] [Ante. p. 206.] 1651-2, Mar. 12. 4. Car. 2.

1654, Aug. 16. Capitulation de Port-Royal. mem. Am. 507.

1655, Car. 2. A proclamation of the protector relating to Jamaica. 3. Thurl. 75.

1655, Sept. 26. 7. Car. 2. The protector to the commissioners of Maryland. A letter. 4. Thurl. 55.

1655, Oct. 8. 7. Car. 2. An instrument made at the council of Jamaica, Oct. 8, 1655, for the better carrying on of affairs there. 4. Thurl. 71.

1655, Nov. 3. Treaty of Westminster between France and England. 6. corps diplom. part 2. p. 121. 2. Mem. Am. 10.

1656, Mar. 27. 8. Car. 2. The assembly at Barbadoes to the Protector. 4. Thurl. 651.

1656, Aug. 9. A grant by Cromwell to Sir Charles de Saint Etienne, a baron of Scotland, Crowne and Temple. A French translation of it. 2. Mem. Am. 511.

1656, Car. 2. A paper concerning the advancement of trade. 5. Thurl. 80.

1656, Car. 2. A brief narration of the English rights to the Northern parts of America. 5. Thurl. 81.

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Mr. R. Bennet and Mr. S. Matthew to Secretary Thurloe. 5. Thurl. 482. 1656, Oct. 10. 8. Car. 2.

Objections againſt the Lord Baltimore's patent, and reaſons why the government of Maryland ſhould not be put into his hands. 5. Thurl. 482. 1656, Oct. 10. 8. Car. 2.

A paper relating to Maryland. 5. Thurl. 483. 1656, Oct. 10. 8. Car. 2.

A breviet of the proceedings of the lord Baltimore and his officers and compliers in Maryland againſt the authority of the parliament of the commonwealth of England and againſt his highneſs the lord protector's authority laws and government. 5. Thurl. 486. 1656, Oct. 10. 8. Car. 2.

The aſſembly of Virginia to ſecretary Thurlow. 5. Thurl. 497. 1656, Oct. 15. 8. Car. 2.

The governor of Barbadoes to the protector. 6. Thurl. 169. 1657, Apr. 4. 9. Car. 2.

Petition of the general court at Hartford upon Connecticut for a charter. Smith's exam. App. 4. 1661, Car. 2.

Charter of the colony of Connecticut. Smith's examn. App. 6. 1662, Ap. 23. 14. Car. 2.

1662-3, Mar. 24. Apr. 4. 15. Car. 2. The firſt charter granted by Charles II. to the proprietaries of Carolina, to wit, to the Earl of Clarendon, Duke of Albemarle, Lord Craven, Lord Berkeley, Lord Aſhley, Sir George Carteret, Sir William Berkeley, and Sir John Colleton. 4. mem. Am. 554.

1664, Feb. 10. The conceſſions and agreement of the lords proprietors of the province of New Cæſarea, or New-Jerſey, to and with all and every of the adventurers and all ſuch as ſhall ſettle or plant there. Smith's New-Jerſey. App. 1.

1664, Mar. 12. 20. Car. 2. A grant of the colony of New-York to the Duke of York.

1664, Apr. 26. 16. Car. 2. A commiſſion to Colonel Nichols and others to ſettle diſputes in New-England. Hutch. Hiſt. Maſſ. Bay. App. 537.

1664, Apr. 26. The commiſſion to Sir Robert Carre and others to put the Duke of York in poſſeſſion of New-York, New-Jerſey, and all other lands thereunto appertaining.

Sir

Sir Robert Carre and others proclamation to the inhabitants of New-York, New-Jerſey, &c. Smith's N. J. 36.

Deeds of leaſe and releaſe of New-Jerſey by the Duke of York to Lord Berkeley and Sir George Carteret. 1664, June 23, 24. 16. C. 2.

A conveiance of the Delaware counties to William Penn.

Letters between Stuyveſant and Colonel Nichols on the Engliſh right. Smith's N. J. 37—42. 1664, Aug. 19-29, 20-30, 24. Aug. 25. Sept. 4.

Treaty between the Engliſh and Dutch for the ſurrender of the New-Netherlands. Sm. N. Jerſ. 42. 1664, Aug. 27.

Nicoll's commiſſion to Sir Robert Carre to reduce the Dutch on Delaware bay. Sm. N. J. 47. Sept. 3.

Inſtructions to Sir Robert Carre for reducing of Delaware bay and ſettling the people there under his majeſty's obedience. Sm. N. J. 47.

Articles of capitulation between Sir Robert Carre and the Dutch and Swedes on Delaware bay and Delaware river. Sm. N. J. 49. 1664, Oct. 1.

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1664, Dec. 1. 16. Car. 2. The determination of the commiſſioners of the boundary between the Duke of York and Connecticut. Sm. Ex. Ap. 9.

1664. The New Haven caſe. Smith's Ex. Ap. 20.

1665, June 13-24. 17. C. 2. The ſecond charter granted by Charles II. to the ſame proprietors of Carolina. 4. Mem. Am. 586.

1666, Jan. 26. Declaration de guerre par la France contre l'Angleterre. 3. Mem. Am. 123.

1666, Feb. 9. 17. Car. 2. Declaration of war by the king of England againſt the king of France.

1667, July 31. The treaty of peace between France and England made at Breda. 7. Corps Dipl. part 1. p. 41. 2. Mem. Am. 32.

1667, July 31. The treaty of peace and alliance between England and the United Provinces made at Breda. 7. Cor. Dip. p. 1. p. 44. 2. Mem. Am. 40.

1667-8, Feb. 17. Acte de la ceſſion de l'Acadie au roi de France. 2. Mem. Am. 292.

1668, April 21. Directions from the governor and council of New York for

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a better settlement of the government on Delaware. Sm. N. J. 51.

Lovelace's order for customs at the Hoarkills. Sm. N. J. 55. 1668.

A confirmation of the grant of the northern neck of Virginia to the Earl of St. Alban's, Lord Berkeley, Sir William Moreton and John Tretheway. 16— May 8. 21. Car. 2.

Incorporation of the town of Newcastle or Amstell. 1672.

A demise of the colony of Virginia to the Earl of Arlington and Lord Culpeper for 31 years. M. S. 1673, Feb. 25. 25. Car. 2.

Treaty at London between king Charles II. and the Dutch. Article VI. 1673-4.

Remonstrances against the two grants of Charles II. of Northern and Southern Virginia. Ment^d. Beverley. 65.

Sir George Carteret's instructions to Governor Carteret. 1674, July 13.

Governor Andros's proclamation on taking possession of Newcastle for the Duke of York. Sm. N. J. 78. 1674, Nov. 9.

1675, Oct. 1. 27. Car. 2. A proclamation for prohibiting the importation of commodities of Europe into any of his majesty's plantations in Africa, Asia, or America, which were not laden in England: and for putting all other laws relating to the trade of the plantations in effectual execution.

1676, Mar. 3. The concessions and agreements of the proprietors, freeholders and inhabitants of the province of West-New-Jersey in America. Sm. N. J. App. 2.

1676, July 1. A deed quintipartite for the division of New-Jersey.

1676, Aug. 18. Letter from the proprietors of New-Jersey to Richard Hartshorne. Sm. N. J. 80.

Proprietors instructions to James Wasse and Richard Hartshorne. Sm. N. J. 83.

1676, Oct. 10. 28. Car. 2. The charter of king Charles II. to his subjects of Virginia. M. S.

1676. Cautionary epistle from the trustees of Byllinge's part of New-Jersey. Sm. N. J. 84.

Indian

Indian deed for the lands between Rankokas creek and Timber creek, in New-Jerſey. 1677, Sept. 10.

Indian deed for the lands from Oldman's creek to Timber creek, in New-Jerſey. 1677, Sept. 27.

Indian deed for the lands from Rankokas creek to Aſſunpink creek, in New-Jerſey. 1677, Oct. 10.

The will of Sir George Carteret, ſole proprietor of Eaſt-Jerſey, ordering the ſame to be ſold. 1678, Dec. 5.

An order of the king in council for the better encouragement of all his majeſty's ſubjects in their trade to his majeſty's plantations, and for the better information of all his majeſty's loving ſubjects in theſe matters. Lond. Gaz No. 1596. Title in Amer. library. 134. 6. 1680, Feb. 16.

Arguments againſt the cuſtoms demanded in New-Weſt-Jerſey by the governor of New-York, addreſſed to the Duke's commiſſioners. Sm. N. J. 117. 1680.

Extracts of proceedings of the committee of trade and plantations; copies of letters, reports, &c. between the board of

1680, June 14. 23. 25.
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1680-1, Jan. 15. 22.
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of trade, Mr. Penn, Lord Baltimore and Sir John Werden, in the behalf of the Duke of York and the ſettlement of the Pennſylvania boundaries by the L. C. J. North. Votes of Repr. Pennſyl. vii.—xiii.

1681, Mar. 4. Car. 2. A grant of Pennſylvania to William Penn. Votes of Repreſen. Pennſylv. xviii.

1681, Apr. 2. The king's declaration to the inhabitants and planters of the province of Pennſylvania. Vo. Rep. Penn. xxiv.

1681, July 11. Certain conditions or conceſſions agreed upon by William Penn, proprietary and governor of Pennſylvania, and thoſe who are the adventurers and purchaſers in the ſame province. Votes of Rep. Pennſylv. xxiv.

1681, Nov. 9. Fundamental laws of the province of Weſt-New-Jerſey. Sm. N. J. 126.

1681-2, Jan. 14. The methods of the commiſſioners for ſettling and regulation of lands in New-Jerſey. Sm. N. J. 130.

1681-2, Feb. 1. 2. Indentures of leaſe and releaſe by the executors of Sir George Carteret

Carteret to William Penn and 11 others, conveying East-Jersey.

The Duke of York's fresh grant of East-New-Jersey to the 24 proprietors. 1682, Mar. 14.

The Frame of the government of the province of Pennsylvania, in America. Votes of Repr. Penn. xxvii. 1682, Apr. 25.

The Duke of York's deed for Pennsylvania. Vo. Repr. Penn. xxxv. 1682, Aug. 21.

The Duke of York's deed of feoffment of Newcastle and twelve miles circle to William Penn. Vo. Repr. Penn. 1682, Aug. 24.

The Duke of York's deed of feoffment of a tract of land 12 miles south from Newcastle to the Whorekills, to William Penn. Vo. Repr. Penn. xxxvii. 1682, Aug. 24.

A commission to Thomas Lord Culpeper to be lieutenant and governor-general of Virginia. M. S. 1682, Nov. 27. 34. Car. 2.

An act of union for annexing and uniting of the counties of Newcastle, Jones's and Whorekill's alias Deal, to the 1682, 10th month, 6th day.

pro-

province of Pennſylvania, and of naturalization of all foreigners in the province and counties aforeſaid.

1682, Dec. 6. An act of ſettlement.

1683, Apr. 2. The frame of the government of the province of Pennſylvania and territories thereunto annexed in America.

1683, Apr. 17, 27. May 30. June 12. 1684, Feb. 12. July 2, 16, 23. Sept. 30. Dec. 9. 1685, Mar. 17. Aug. 18. 26. Sept. 2. Oct. 8. 17, 31. Nov. 7. Proceedings of the committee of trade and plantations in the diſpute between Lord Baltimore and Mr. Penn. Vo. R. P. xiii—xviii.

1683, July 17. A commiſſion by the proprietors of Eaſt-New-Jerſey to Robert Barclay to be governor. Sm. N. J. 166.

1683, July 26. 35. Car. 2. An order of council for iſſuing a quo warranto againſt the charter of the colony of the Maſſachuſet's bay in New-England, with his majeſty's declaration that in caſe the ſaid corporation of Maſſchuſet's bay ſhall before proſecution had upon the ſame quo warranto

ranto make a full ſubmiſſion and entire reſignation to his royal pleaſure, he will then regulate their charter in ſuch a manner as ſhall be for his ſervice and the good of that colony. Title in Amer. library. 139. 6.

A commiſſion to Lord Howard of Effingham to be lieutenant and governor-general of Virginia. M. S. 1683, Sept. 28. 35. Car. 2.

The humble addreſs of the chief governor, council and repreſentatives of the iſland of Nevis, in the Weſt-Indies, preſented to his majeſty by Colonel Netheway and Captain Jefferſon, at Windſor, May 3, 1684. Title in Amer. libr. 142. 3. cites Lond. Gaz. No. 1927. 1684, May 3.

A treaty with the Indians at Albany. 1684, Aug. 2.

A treaty of neutrality for America between France and England. 7. Corps. Dipl. part 2. p. 44. 2. Mem. Am. 40. 1686, Nov. 16.

By the king, a proclamation for the more effectual reduc- 1687, Jan. 20.

ing and ſuppreſſing of pirates and privateers in America, as well on the ſea as on the land in great numbers, committing frequent robberies and piracies, which hath occaſioned a great prejudice and obſtruction to trade and commerce, and given a great ſcandal and diſturbance to our government in thoſe parts. Title Amer. libr. 147. 2. cites Lond. Gaz. No. 2315.

1687, Feb. 12. Conſtitution of the council of proprietors of Weſt-Jerſey. Smith's N. Jerſey. 199.

1687, qu. Sept. 27. 4. Jac. 2. A confirmation of the grant of the northern neck of Virginia to Lord Culpeper.

1687, Sept. 5. Governor Coxe's declaration to the council of proprietors of Weſt-Jerſey. Sm. N. J. 190.

1687, Dec. 16. Proviſional treaty of Whitehall concerning America between France and England. 2. Mem. de l'Am. 89.

1687. Governor Coxe's narrative relating to the diviſion line, directed to the council of proprietors

prietors of Weſt-Jerſey. Sm. App. N. 4.

The repreſentation of the coun- 1687.
cil of proprietors of Weſt-Jerſey to Governor Burnet. Smith. App. No. 5.

The remonſtrance and petition of the inhabitants of Eaſt-New-Jerſey to the king. Sm. App. No. 8.

The memorial of the proprietors of Eaſt-New-Jerſey to the Lords of trade. Sm. App. No. 9.

Agreement of the line of parti- 1688, Sept. 5.
tion between Eaſt and Weſt-New-Jerſey. Sm. N. J. 196.

Conveiance of the government 1691.
of Weſt-Jerſey and territories by Dr. Coxe, to the Weſt-Jerſey ſociety.

A charter granted by King Wil- 1691, Oct. 7.
liam and Queen Mary to the inhabitants of the province of Maſſachuſet's bay in New-England. 2. Mem. de l'Am. 593.

The frame of government of 1696, Nov. 7.
the province of Pennſylvania and the territories thereunto

belonging, paſſed by Governor Markham. Nov. 7, 1696.

1697, Sept. 20. The treaty of peace between France and England, made at Ryſwick. 7. Corps Dipl. part. 2. p. 399. 2. Mem. Am. 89.

1699, July 5. The opinion and anſwer of the lords of trade to the memorial of the proprietors of Eaſt-New-Jerſey. Sm. App. No. 10.

1700, Jan. 15. The memorial of the proprietors of Eaſt-New-Jerſey to the Lords of trade. Sm. App. No. 11.

The petition of the proprietors of Eaſt and Weſt-New-Jerſey to the Lords juſtices of England. Sm. App. No. 12.

1700, W. 3. A confirmation of the boundary between the colonies of New-York and Connecticut, by the crown.

1701, Aug. 12. The memorial of the proprietors of Eaſt and Weſt-Jerſey to the king. Sm. App. No. 14.

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Repreſentation of the lords of trade to the lords juſtices. Sm. App. No. 13. 1701, Oct. 2.

A treaty with the Indians. 1701.

Report of lords of trade to king William of draughts of a commiſſion and inſtructions for a governor of New-Jerſey. Sm. N. J. 262. 1701-2, Jan. 6.

Surrender from the proprietors of E. and W. N. Jerſey of their pretended right of government to her majeſty Q. Anne. Sm. N. J. 211. 1702, Apr. 15.

The Queen's acceptance of the ſurrender of government of Eaſt and Weſt-Jerſey. Sm. N. J. 219. 1702, Apr. 17.

Inſtructions to lord Cornbury. Sm. N. J. 230. 1702, Nov. 16.

A commiſſion from Queen Anne to Lord Cornbury, to be captain-general and governor in chief of New-Jerſey. Sm. N. J. 220. 1702, Dec. 5

Recognition by the council of proprietors of the true boundary of the deeds of Sept. 10 and Oct. 10, 1677. (New-Jerſey). Sm. N. J. 96. 1703, June 27.

1703. Indian deed for the lands above the falls of the Delaware in Weſt-Jerſey.

Indian deed for the lands at the head of Rankokus river in Weſt-Jerſey.

1704, June 18. A proclamation by Queen Anne for ſettling and aſcertaining the current rates of foreign coins in America. Sm. N. J. 281.

1705, May 3. Additional inſtructions to Lord Cornbury. Sm. N. J. 235.

1707, May 3. Additional inſtructions to Lord Cornbury. Sm. N. J. 258.

1707, Nov. 20. Additional inſtructions to Lord Cornbury. Sm. N. J. 259.

1707. An anſwer by the council of proprietors for the weſtern diviſion of New-Jerſey, to queſtions, propoſed to them by Lord Cornbury. Sm. N. J. 285.

1708-9, Feb. 28. Inſtructions to Colonel Vetch in his negociations with the governors of America. Sm. N. J. 364.

1708-9, Feb. 28. Inſtructions to the governor of New-Jerſey and New-York. Sm. N. J. 361.

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Earl of Dartmouth's letter to governor Hunter. 1710, Aug.

Premieres propoſitions de la France. 6. Lamberty, 669. 2. Mem. Am. 341. 1711, Apr. 22.

Réponſes de la France aux demandes préliminaires de la Grande-Bretagne. 6. Lamb. 681. 2. Mem. Amer. 344. 1711, Oct. 8.

Demandes préliminaires plus particulieres de la Grande-Bretagne, avec les réponſes. 2. Mem. de l'Am. 346. 1711, Sept. 27. — Oct. 8.

L'acceptation de la part de la Grande-Bretagne. 2. Mem. Am. 356. 1711, Sept. 27. — Oct. 8.

The queen's inſtructions to the Biſhop of Briſtol and Earl of Strafford, her plenipotentiaries, to treat of a general peace. 6. Lamberty, 744. 2. Mem. Am. 358. 1711, Dec. 23.

A memorial of Mr. St. John to the Marquis de Torci, with regard to North America, to commerce, and to the ſuſpenſion of arms. 7. Recueil de Lamberty, 161. 2. Mem. de l'Amer. 376. 1712, May 24. — June 10.

1712, June 10. Réponſe du roi de France au memoire de Londres. 7. Lamberty, p. 163. 2. Mem. Am. 380.

1712, Aug. 19. Traité pour une ſuſpenſion d'armes entre Louis XIV. roi de France, & Anne, reigne de la Grande-Bretagne, fait à Paris. 8. Corps Diplom. part. 1. p. 308. 2. Mem. d'Am. 104.

1712, Sept. 10. Offers of France to England, demands of England, and the anſwers of France. 7. Rec. de Lamb. 491. 2. Mem. Am. 390.

1713, Mar. 31. / Apr. 11. Traité de paix & d'amitié entre Louis XIV. roi de France, & Anne, reine de la Grande-Bretagne, fait à Utrecht. 15. Corps Diplomatique de Dumont, 339. id. Latin. 2. Actes & memoires de la pais d'Utrecht, 457. id. Lat. Fr. 2. Mem. Am. 113.

1713, Mar. 31. / Apr. 11. Traité de navigation & de commerce entre Louis XIV. roi de France, & Anne, reine de la Grande-Bretagne. Fait à Utrecht. 8. Corps. Dipl. part. 1. p. 345. 2. Mem. de l'Am. 137.

A treaty with the Indians. 1726.

The petition of the repreſenta- 1728, Jan.
tives of the province of New-
Jerſey, to have a diſtinct go-
vernor. Sm. N. J. 421.

Deed of releaſe by the govern- 1732, G. 2.
ment of Connecticut to that
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The charter granted by George II. 1732, June 9-20. 5. G. 2.
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617.

Petition of Lord Fairfax, that a 1733.
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running and marking the di-
viding line between his diſ-
trict and the province of Vir-
ginia.

Order of the king in council for 1733, Nov. 29.
Commiſſioners to ſurvey and
ſettle the ſaid dividing line
between the proprietary and
royal territory.

Report of the lords of trade re- 1736, Aug. 5.
lating to the ſeparating the
government of the province
of New-Jerſey from New-
York. Sm. N. J. 423.

Survey and report of the com- 1737, Aug. 10.
miſſioners appointed on the
part of the crown to ſettle

the line between the crown and Lord Fairfax.

1737, Aug. 11. Survey and report of the commiſſioners appointed on the part of Lord Fairfax to ſettle the line between the crown and him.

1738, Dec. 21. Order of reference of the ſurveys between the crown and Lord Fairfax to the council for plantation affairs.

1744, June Treaty with the Indians of the 6 nations at Lancaſter.

1745, Apr. 6. Report of the council for plantation affairs, fixing the head ſprings of Rappahanoc and Patowmac, and a commiſſion to extend the line.

1745, Apr. 11. Order of the king in council confirming the ſaid report of the council for plantation affairs.

1748, Apr. 30. Articles préliminaires pour parvenir à la paix, ſignés à Aix-la-Chapelle entre les miniſtres de France, de la Grande-Bretagne, & des Provinces-Unies des Pays-Bas. 2. Mem. de l'Am. 159.

1748, May 21. Declaration des miniſtres de France, de la Grande-Bretagne,

tagne, & des Provinces-Unies des Pays-Bas, pour rectifier les articles I. & II. des préliminaires. 2. Mem. Am. 165.

The general and definitive treaty of peace concluded at Aix-la-Chapelle. Lond. Mag. 1748. 503 French. 2. Mem. Am. 169. 1748, Oct. 7-18. 22. G. 2.

A treaty with the Indians. 1754.

A conference between Governor Bernard and Indian nations at Burlington. Sm. N. J. 449. 1758, Aug. 7.

A conference between Governor Denny, Governor Bernard and others, and Indian nations at Easton. Sm. N. J. 455. 1758, Oct. 8.

The capitulation of Niagara. 1759, July 25. 33. G. 2.

The king's proclamation promising lands to souldiers. 175—

The definitive treaty concluded at Paris. Lond. Mag. 1763. 149. 1763, Feb. 10. 3. G. 3.

A proclamation for regulating the cessions made by the last treaty of peace. Guth. Geogr. Gram. 623. 1763, Oct. 7. G. 3.

The king's proclamation against settling on any lands on the waters, westward of the Alleghaney. 1763.

Deed

1768, Nov. 3. Deed from the six nations of Indians to William Trent and others for lands betwixt the Ohio and Monongahela. View of the title to Indiana. Phil. Styner and Cist. 1776.

1768, Nov. 5. Deed from the six nations of Indians to the crown for certain lands and settling a boundary. M. S.

APPEN-

APPENDIX, N° I.

THE preceding ſheets having been ſubmitted to my friend Mr. Charles Thomſon, Secretary of Congreſs, he has furniſhed me with the following obſervations, which have too much merit not to be communicated.

(1.) p. 24. Beſides the three channels of communication mentioned between the weſtern waters and the Atlantic, there are two others, to which the Pennſylvanians are turning their attention; one from Preſque-iſle, on Lake Erie, to Le Bœuf, down the Alleghaney to Kiſkiminitas, then up the Kiſkiminitas, and from thence, by a ſmall portage, to Juniata, which falls into the Suſquehanna: the other from Lake Ontario to the Eaſt Branch of the Delaware, and down that to Philadelphia. Both theſe are ſaid to be very practicable: and, conſidering the enterpriſing temper of the Pennſylvanians, and particularly of the merchants of Philadelphia, whoſe object is concentered in promoting the commerce and trade of one city, it is not improbable

bable but one or both of theſe communications will be opened and improved.

(2.) p. 28. The reflections I was led into on viewing this paſſage of the Patowmac through the Blue ridge were, that this country muſt have ſuffered ſome violent convulſion, and that the face of it muſt have been changed from what it probably was ſome centuries ago: that the broken and ragged faces of the mountain on each ſide the river; the tremendous rocks, which are left with one end fixed in the precipice, and the other jutting out, and ſeemingly ready to fall for want of ſupport; the bed of the river for ſeveral miles below obſtructed, and filled with the looſe ſtones carried from this mound; in ſhort, every thing on which you caſt your eye evidently demonſtrates a diſrupture and breach in the mountain, and that, before this happened, what is now a fruitful vale, was formerly a great lake or collection of water, which poſſibly might have here formed a mighty caſcade, or had its vent to the ocean by the Suſquehanna, where the Blue ridge ſeems to terminate. Beſides this, there are other parts of this country which bear evident traces of a like convulſion. From the beſt accounts I have been able to obtain, the place where the Delaware now flows

through the Kittatinny mountain, which is a continuation of what is called the North ridge, or mountain, was not its original courſe, but that it paſſed through what is now called 'the Wind-gap,' a place ſeveral miles to the weſtward, and above an hundred feet higher than the preſent bed of the river. This Wind-gap is about a mile broad, and the ſtones in it ſuch as ſeem to have been waſhed for ages by water running over them. Should this have been the caſe, there muſt have been a large lake behind that mountain, and by ſome uncommon ſwell in the waters, or by ſome convulſion of nature, the river muſt have opened its way through a different part of the mountain, and meeting there with leſs obſtruction, carried away with it the oppoſing mounds of earth, and deluged the country below with the immenſe collection of waters to which this new paſſage gave vent. There are ſtill remaining, and daily diſcovered, innumerable inſtances of ſuch a deluge on both ſides of the river, after it paſſed the hills above the falls of Trenton, and reached the champaign. On the New-Jerſey ſide, which is flatter than the Pennſylvania ſide, all the country below Croſwick hills ſeems to have been overflowed to the diſtance of from ten to fifteen miles back from the river, and to have acquired a new

ſoil

ſoil by the earth and clay brought down and mixed with the native ſand. The ſpot on which Philadelphia ſtands evidently appears to be made ground. The different ſtrata through which they paſs in digging to water, the acorns, leaves, and ſometimes branches, which are found above twenty feet below the ſurface, all ſeem to demonſtrate this. I am informed that at York town in Virginia, in the bank of York river, there are different ſtrata of ſhells and earth, one above another, which ſeem to point out that the country there has undergone ſeveral changes; that the ſea has, for a ſucceſſion of ages, occupied the place where dry land now appears; and that the ground has been ſuddenly raiſed at various periods. What a change would it make in the country below, ſhould the mountains at Niagara, by any accident, be cleft aſunder, and a paſſage ſuddenly opened to drain off the waters of Erie and the Upper lakes! While ruminating on theſe ſubjects, I have often been hurried away by fancy, and led to imagine, that what is now the bay of Mexico, was once a champaign country; and that from the point or cape of Florida, there was a continued range of mountains through Cuba, Hiſpaniola, Porto rico, Martinique, Guadaloupe, Barbadoes, and Trinidad, till it reached the coaſt

of

of America, and formed the ſhores which bounded the ocean, and guarded the country behind: that, by ſome convulſion or ſhock of nature, the ſea had broken through theſe mounds, and deluged that vaſt plain, till it reached the foot of the Andes; that being there heaped up by the trade-winds, always blowing from one quarter, it had found its way back, as it continues to do, through the gulph between Florida and Cuba, carrying with it the loom and ſand it may have ſcooped from the country it had occupied, part of which it may have depoſited on the ſhores of North America, and with part formed the banks of Newfoundland.—But theſe are only the viſions of fancy.

[3.] p. 57. There is a plant, or weed, called the * James town weed, of a very ſingular quality. The late Dr. Bond informed me, that he had under his care a patient, a young girl, who had put the ſeeds of this plant into her eye, which dilated the pupil to ſuch a degree, that ſhe could ſee in the dark, but in the light was almoſt blind. The effect that the leaves had when eaten by a ſhip's crew that arrived at James town, are well known †.

* Datura pericarpiis erectis ovatis. Linn.

† An inſtance of temporary imbecility produced by them is mentioned, Beverl. H. of Virg. B. 2. c. 4.

[4.] p. 107. Monſ. Buffon has indeed given an affliƈting piƈture of human nature in his deſcription of the man of America. But ſure I am there never was a piƈture more unlike the original. He grants indeed that his ſtature is the ſame as that of the man of Europe. He might have admitted, that the Iroquois were larger, and the Lenopi, or Delawares, taller than people in Europe generally are. But he ſays their organs of generation are ſmaller and weaker than thoſe of Europeans. Is this a faƈt? I believe not; at leaſt it is an obſervation I never heard before.—'They have no beard.' Had he known the pains and trouble it coſts the men to pluck out by the roots the hair that grows on their faces, he would have ſeen that nature had not been deficient in that reſpeƈt. Every nation has its cuſtoms. I have ſeen an Indian beau, with a looking-glaſs in his hand, examining his face for hours together, and plucking out by the roots every hair he could diſcover, with a kind of tweezer made of a piece of fine braſs wire, that had been twiſted round a ſtick, and which he uſed with great dexterity.—'They have no ardour for their female.' It is true, they do not indulge thoſe exceſſes, nor diſcover that fondneſs which is cuſtomary in Europe; but this is not owing to a defeƈt in nature,

but to manners. Their ſoul is wholly bent upon war. This is what procures them glory among the men, and makes them the admiration of the women. To this they are educated from their earlieſt youth. When they purſue game with ardour, when they bear the fatigues of the chaſe, when they ſuſtain and ſuffer patiently hunger and cold; it is not ſo much for the ſake of the game they purſue, as to convince their parents and the council of the nation that they are fit to be enrolled in the number of the warriors. The ſongs of the women, the dance of the warriors, the ſage counſel of the chiefs, the tales of the old, the triumphal entry of the warriors returning with ſucceſs from battle, and the reſpect paid to thoſe who diſtinguiſh themſelves in war and in ſubduing their enemies; in ſhort, every thing they ſee or hear tends to inſpire them with an ardent deſire for military fame. If a young man were to diſcover a fondneſs for women before he has been to war, he would become the contempt of the men, and the ſcorn and ridicule of the women. Or were he to indulge himſelf with a captive taken in war, and much more were he to offer violence in order to gratify his luſt, he would incur indelible diſgrace. The ſeeming frigidity of the men, therefore, is the effect of manners, and not a defect of

nature. Beſides, a celebrated warrior is oftener courted by the females, than he has occaſion to court: and this is a point of honour which the men aim at. Inſtances ſimilar to that of * Ruth and Boaz are not uncommon among them. For though the women are modeſt and diffident, and ſo baſhful that they ſeldom lift up their eyes, and ſcarce ever look a man full in the face, yet, being brought up in great ſubjection, cuſtom and manners reconcile them to modes of acting, which, judged of by Europeans, would be deemed inconſiſtent with the rules of female decorum and propriety. I once ſaw a young widow, whoſe huſband, a warrior, had died about eight days before, haſtening to finiſh her grief, and who by tearing her hair, beating her breaſt, and drinking ſpirits, made the tears flow in great abundance, in order that ſhe might grieve much in a ſhort ſpace of time, and be married that evening to another young warrior. The manner in which this was viewed by the men and women of the tribe, who ſtood round, ſilent and ſolemn ſpectators of the ſcene, and the indifference with which they anſwered my

* When Boaz had eaten and drank, and his heart was merry, he went to lie down at the end of the heap of corn: and Ruth came ſoftly, and uncovered his feet, and laid her down. Ruth iii. 7.

queſtion

queſtion reſpecting it, convinced me that it was no unuſual cuſtom. I have known men advanced in years, whoſe wives were old and paſt child-bearing, take young wives, and have children, though the practice of polygamy is not common. Does this ſavour of frigidity, or want of ardour for the female? Neither do they ſeem to be deficient in natural affection. I have ſeen both fathers and mothers in the deepeſt affliction, when their children have been dangerouſly ill; though I believe the affection is ſtronger in the deſcending than the aſcending ſcale, and though cuſtom forbids a father to grieve immoderately for a ſon ſlain in battle.—'That they are timorous and cowardly,' is a character with which there is little reaſon to charge them, when we recollect the manner in which the Iroquois met Monſ. ——, who marched into their country; in which the old men, who ſcorned to fly, or to ſurvive the capture of their town, braved death, like the old Romans in the time of the Gauls, and in which they ſoon after revenged themſelves by ſacking and deſtroying Montreal. But above all, the unſhaken fortitude with which they bear the moſt excruciating tortures and death when taken priſoners, ought to exempt them from that character. Much leſs are they to be characteriſed as a people of

no vivacity, and who are excited to action or motion only by the calls of hunger and thirſt. Their dances in which they ſo much delight, and which to a European would be the moſt ſevere exerciſe, fully contradict this, not to mention their fatiguing marches, and the toil they voluntarily and cheerfully undergo in their military expeditions. It is true, that when at home, they do not employ themſelves in labour or the culture of the ſoil: but this again is the effect of cuſtoms and manners, which have aſſigned that to the province of the women. But it is ſaid, they are averſe to ſociety and a ſocial life. Can any thing be more inapplicable than this to a people who always live in towns or clans? Or can they be ſaid to have no 'republique,' who conduct all their affairs in national councils, who pride themſelves in their national character, who conſider an inſult or injury done to an individual by a ſtranger as done to the whole, and reſent it accordingly? In ſhort, this picture is not applicable to any nation of Indians I have ever known or heard of in North America.

[5.] pa. 156. As far as I have been able to learn, the country from the ſea coaſt to the Alleghaney, and from the moſt ſouthern waters

waters of James river up to Patuxent river, now in the ſtate of Maryland, was occupied by three different nations of Indians, each of which ſpoke a different language, and were under ſeparate and diſtinct governments. What the original or real names of thoſe nations were, I have not been able to learn with certainty: but by us they are diſtinguiſhed by the names of Powhatâns, Mannahòacs, and Mònacans, now commonly called Tuſcaròras. The Powhatâns, who occupied the country from the ſea ſhore up to the falls of the rivers, were a powerful nation, and ſeem to have conſiſted of ſeven tribes five on the weſtern and two on the eaſtern ſhore. Each of theſe tribes was ſubdivided into towns, families, or clans, who lived together. All the nations of Indians in North America lived in the hunter ſtate, and depended for ſubſiſtence on hunting, fiſhing, and the ſpontaneous fruits of the earth, and a kind of grain which was planted and gathered by the women, and is now known by the name of Indian corn. Long potatoes, pumpkins of various kinds, and ſquaſhes, were alſo found in uſe among them. They had no flocks, herds, or tamed animals of any kind. Their government is a kind of patriarchal confederacy. Every town or family has a chief, who is diſtinguiſhed by

a particular title, and whom we commonly call ‘ Sachem.’ The ſeveral towns or families that compoſe a tribe, have a chief who preſides over it, and the ſeveral tribes compoſing a nation have a chief who preſides over the whole nation. Theſe chiefs are generally men advanced in years, and diſtinguiſhed by their prudence and abilities in council. The matters which merely regard a town or family are ſettled by the chief and principal men of the town: thoſe which regard a tribe, ſuch as the appointment of head warriors or captains, and ſettling differences between different towns and families, are regulated at a meeting or council of the chiefs from the ſeveral towns; and thoſe which regard the whole nation, ſuch as the making war, concluding peace, or forming alliances with the neighbouring nations, are deliberated on and determined in a national council compoſed of the chiefs of the tribe, attended by the head warriors and a number of the chiefs from the towns, who are his counſellors. In every town there is a council houſe, where the chief and old men of the town aſſemble, when occaſion requires, and conſult what is proper to be done. Every tribe has a fixed place for the chiefs of the towns to meet and conſult on the buſineſs of the tribe: and in every nation

tion there is what they call the central council houſe, or central council fire, where the chiefs of the ſeveral tribes, with the principal warriors, convene to conſult and determine on their national affairs. When any matter is propoſed in the national council, it is common for the chiefs of the ſeveral tribes to conſult thereon apart with their counſellors, and, when they have agreed, to deliver the opinion of the tribe at the national council: and, as their government ſeems to reſt wholly on perſuaſion, they endeavour, by mutual conceſſions, to obtain unanimity. Such is the government that ſtill ſubſiſts among the Indian nations bordering upon the United States. Some hiſtorians ſeem to think, that the dignity of office of Sachem was hereditary. But that opinion does not appear to be well founded. The Sachem or chief of the tribe ſeems to be by election. And ſometimes perſons who are ſtrangers, and adopted into the tribe, are promoted to this dignity, on account of their abilities. Thus on the arrival of Capt. Smith, the firſt founder of the colony of Virginia, Opechàncanough, who was Sachem or chief of the Chickahòminies, one of the tribes of the Powhàtans, is ſaid to have been of another tribe, and even of another nation, ſo that no certain account

account could be obtained of his origin or deſcent. The chiefs of the nation ſeem to have been by a rotation among the tribes. Thus when Capt. Smith, in the year 1609, queſtioned Powhatàn (who was the chief of the nation, and whoſe proper name is ſaid to have been Wahunſonacock) reſpecting the ſucceſſion, the old chief informed him, 'that he was very old and had ſeen the 'death of all his people thrice*; that not 'one of theſe generations were then living 'except himſelf, that he muſt ſoon die and 'the ſucceſſion deſcend in order to his bro-'thers Opichapàn, Opechàncanough, and 'Catatàugh, and then to his two ſiſters, and 'their two daughters.' But theſe were appellations deſignating the tribes in the confederacy. For the perſons named are not his real brothers, but the chiefs of different

* This is one generation more than the poet aſcribes to the life of Neſtor.

Τῷ δ' ἤδη δύο μὲν γενεαὶ μερόπων ἀνθρώπων
Ἐφθίαθ' οἵ οἱ πρόσθεν ἅμα τράφεν ἠδ' ἐγένοντο
Ἐν Πύλῳ ἡγαθέῃ, μετὰ δὲ τριτάτοισιν ἄνασσεν.

1 Hom. Il. 250.

Two generations now had paſt away,
Wiſe by his rules, and happy by his ſway;
Two ages o'er his native realm he reign'd,
And now th' example of the third remain'd.

Pope.

tribes.

tribes. Accordingly in 1618, when Powhatan died, he was ſucceeded by Opichapàn, and after his deceaſe Opechàncanough became chief of the nation. I need only mention another inſtance to ſhew that the chiefs of the tribes claimed this kindred with the head of the nation. In 1622, when Raleigh Craſhaw was with Japazàw, the Sachem or chief of the Patowmacs, Opechàncanough, who had great power and influence, being the ſecond man in the nation, and next in ſucceſſion to Opichapan, and who was a bitter but ſecret enemy to the Engliſh, and wanted to engage his nation in a war with them, ſent two baſkets of beads to the Patowmac chief, and deſired him to kill the Engliſhman that was with him. Japazaw replied, that the Engliſh were his friends, and Opichapàn his *brother*, and that therefore there ſhould be no blood ſhed between them by his means. It is alſo to be obſerved, that when the Engliſh firſt came over, in all their conferences with any of the chiefs, they conſtantly heard him make mention of his *brother*, with whom he muſt conſult, or to whom he referred them, meaning thereby either the chief of the nation, or the tribes in confederacy. The Manahòacks are ſaid to have been a confederacy of four tribes, and in alliance with the Monacans, in the war

war which they were carrying on againſt the Powhatans.

To the northward of theſe there was another powerful nation, which occupied the country from the head of the Cheſapeak-bay up to the Kittatinney mountain, and as far eaſtward as Connecticut river, comprehending that part of New-York which lies between the highlands and the ocean, all the ſtate of New-Jerſey, that part of Pennſylvania which is watered, below the range of the Kittatinney mountains, by the rivers or ſtreams falling into the Delaware, and the county of Newcaſtle in the ſtate of Delaware, as far as Duck creek. It is to be obſerved, that the nations of Indians diſtinguiſhed their countries one from another by natural boundaries, ſuch as ranges of mountains, or ſtreams of water. But as the heads of rivers frequently interlock, or approach near to each other, as thoſe who live upon a ſtream claim the country watered by it, they often encroached on each other, and this is a conſtant ſource of war between the different nations. The nation occupying the tract of country laſt deſcribed, called themſelves Lenopi. The French writers call them Loups; and among the Engliſh they are now commonly called Delawares. This nation or confederacy conſiſted of five tribes, who

who all ſpoke one language. 1. The Chihohocki, who dwelt on the Weſt ſide of the river now called Delaware, a name which it took from Lord De la War, who put into it on his paſſage from Virginia in the year , but which by the Indians was called Chihohocki. 2. The Wanami, who inhabited the country, called New-Jerſey, from the Rariton to the ſea. 3. The Munſey, who dwelt on the upper ſtreams of the Delaware, from the Kittatinney mountains down to the Leheigh or weſtern branch of the Delaware. 4. The Wabinga, who are ſometimes called River Indians, ſometimes Mohickanders, and who had their dwelling between the weſt branch of Delaware and Hudſon's river, from the Kittatinney ridge down to the Rariton: and 5. The Mahiccon, or Mahattan, who occupied Staten iſland, York iſland, (which from its being the principal ſeat of their reſidence was formerly called Mahatton) Long iſland, and that part of New-York and Connecticut which lies between Hudſon and Connecticut rivers, from the highland, which is a continuation of the Kittatinney ridge down to the ſound. This nation had a cloſe alliance with the Shawaneſe, who lived on the Suſquehannah and to the weſtward of that river, as far as the Alleghaney mountains, and carried on a long

long war with another powerful nation or confederacy of Indians, which lived to the north of them between the Kittatinney mountains, or highlands, and the lake Ontario, and who call themſelves Mingos, and are called by the French writers Iroquois, by the Engliſh the Five Nations, and by the Indians to the ſouthward, with whom they were at war, Maſſawomacs. This war was carrying on, in its greateſt fury, when Captain Smith firſt arrived in Virginia. The Mingo warriors had penetrated down the Suſquehanna to the mouth of it. In one of his excurſions up the bay, at the mouth of Suſquehanna, in 1608, Captain Smith met with ſix or ſeven of their canoes full of warriors, who were coming to attack their enemies in the rear. In an excurſion which he had made a few weeks before, up the Rappahanock, and in which he had a ſkirmiſh with a party of the Manahoacs, and taken a brother of one of their chiefs priſoner, he firſt heard of this nation. For when he aſked the priſoner, why his nation attacked the Engliſh? the priſoner ſaid, becauſe his nation had heard that the Engliſh came from under the world to take their world from them. Being aſked, how many worlds he knew? he ſaid, he knew but one, which was under the ſky that covered him, and

and which conſiſted of the Powhatàns, the Mànakins, and the Maſſawòmacs. Being queſtioned concerning the latter, he ſaid, they dwelt on a great water to the North, that they had many boats, and ſo many men that they waged war with all the reſt of the world. The Mingo confederacy then conſiſted of five tribes; three who are called the elder, to wit, the Senecas, who live to the Weſt, the Mohawks to the Eaſt, and the Onondagas between them; and two who are called the younger tribes, namely, the Cayugas, and Oneidas. All theſe tribes ſpeak one language, and were then united in a cloſe confederacy, and occupied the tract of country from the Eaſt end of lake Erie to lake Champlain, and from the Kittatinney and Highlands to the lake Ontario and the river Cadaraqui, or St. Laurence. They had, ſome time before that, carried on a war with a nation, who lived beyond the lakes, and were called Adirondacs. In this war they were worſted: but having made a peace with them, through the interceſſion of the French, who were then ſettling Canada, they turned their arms againſt the Lenopi; and as this war was long and doubtful, they, in the courſe of it, not only exerted their whole force, but put in practice every meaſure which prudence or policy could

could deviſe to bring it to a ſucceſsful iſſue. For this purpoſe they bent their courſe down the Suſquehanna, warring with the Indians in their way, and having penetrated as far as the mouth of it, they, by the terror of their arms, engaged a nation, now known by the name of Nanticocks, Conoys, and Tùteloes, and who lived between Cheſapeak and Delaware bays, and bordering on the tribe of Chihohocki, to enter into an alliance with them. They alſo formed an alliance with the Monakans, and ſtimulated them to a war with the Lenopi and their confederates. At the ſame time the Mohawks carried on a furious war down the Hudſon againſt the Mohiccons and River indians, and compelled them to purchaſe a temporary and precarious peace, by acknowledging them to be their ſuperiors, and paying an annual tribute. The Lenopi being ſurrounded with enemies, and hard preſſed, and having loſt many of their warriors, were at laſt compelled to ſue for peace, which was granted to them on the condition that they ſhould put themſelves under the protection of the Mingoes, confine themſelves to raiſing corn, hunting for the ſubſiſtence of their families, and no longer have the power of making war. This is what the Indians call making them women. And in

this condition the Lenopis were when William Penn firſt arrived and began the ſettlement of Pennſylvania in 1682.

[6.] Pa. 162. From the figurative language of the Indians, as well as from the practice of thoſe we are ſtill acquainted with, it is evident that it was, and ſtill continues to be, a conſtant cuſtom among the Indians to gather up the bones of the dead, and depoſit them in a particular place. Thus, when they make peace with any nation, with whom they have been at war, after burying the hatchet, they take up the belt of wampum, and ſay, 'We now gather up all the 'bones of thoſe who have been ſlain, and 'bury them, &c.' See all the treaties of peace. Beſides, it is cuſtomary when any of them die at a diſtance from home, to bury them, and afterwards to come and take up the bones, and carry them home. At a treaty which was held at Lancaſter with the ſix nations, one of them died, and was buried in the woods a little diſtance from the town. Some time after a party came and took up the body, ſeparated the fleſh from the bones by boiling and ſcraping them clean, and carried them to be depoſited in the ſepulchres of their anceſtors. The operation was ſo offenſive and diſagreeable, that no-

body could come near them while they were performing it.

[7.] Pa. 173. The Oſwegàtchies, Connoſedàgos and Cohunnegàgoes, or, as they are commonly called, Caghnewàgos, are of the Mingo or Six-nation Indians, who, by the influence of the French miſſionaries, have been ſeparated from their nation, and induced to ſettle there.

I do not know of what nation the Augquàgahs are; but ſuſpect they are a family of the Senecas.

The Nànticocks and Conòies were formerly of a nation that lived at the head of Cheſapeak bay, and who, of late years, have been adopted into the Mingo or Iroquois confederacy, and make a ſeventh nation. The Monacans or Tuſcaroras, who were taken into the confederacy in 1712, making the ſixth

The Saponies are families of the Wanamies, who removed from New-Jerſey, and, with the Mohiccons, Munſies, and Delawares, belong to the Lenopi nation. The Mingos are a war colony from the ſix nations; ſo are the Cohunnewagos.

Of

Of the reſt of the northern tribes I never have been able to learn any thing certain. But all accounts ſeem to agree in this, that there is a very powerful nation, diſtinguiſhed by a variety of names taken from the ſeveral towns or families, but commonly called Tàwas or Outawas, who ſpeak one language, and live round and on the waters that fall into the weſtern lakes, and extend from the waters of the Ohio quite to the waters falling into Hudſon's bay.

N° II.

In the Summer of the Year 1783, *it was expected, that the* ASSEMBLY OF VIRGINIA *would call a* CONVENTION *for the Eſtabliſhment of a* CONSTITUTION. *The following* DRAUGHT *of a* FUNDAMENTAL CONSTITUTION *for the* COMMONWEALTH OF VIRGINIA *was then prepared, with a Deſign of being propoſed in ſuch Convention, had it taken place.*

TO the Citizens of the Commonwealth of Virginia, and all others whom it may concern, the Delegates for the ſaid Commonwealth in Convention aſſembled, ſend greeting.

It is known to you, and to the world, that the government of Great Britain, with which the American States were not long ſince connected, aſſumed over them an authority unwarrantable and oppreſſive; that they endeavoured to enforce this authority by arms, and that the States of New Hampſhire, Maſſachuſets, Rhode iſland, Connecticut, New York, New Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina,

Carolina, and Georgia, conſidering reſiſtance, with all its train of horrors, as a leſſer evil than abject ſubmiſſion, cloſed in the appeal to arms. It hath pleaſed the Sovereign Diſpoſer of all human events to give to this appeal an iſſue favourable to the rights of the States; to enable them to reject for ever all dependance on a government which had ſhewn itſelf ſo capable of abuſing the truſts repoſed in it; and to obtain from that government a ſolemn and explicit acknowledgment that they are free, ſovereign, and independant States. During the progreſs of that war, through which we had to labour for the eſtabliſhment of our rights, the legiſlature of the commonwealth of Virginia found it neceſſary to make a temporary organization of government for preventing anarchy, and pointing our efforts to the two important objects of war againſt our invaders, and peace and happineſs among ourſelves. But this, like all other their acts of legiſlation, being ſubject to change by ſubſequent legiſlatures, poſſeſſing equal powers with themſelves, it has been thought expedient, that it ſhould receive thoſe amendments which time and trial have ſuggeſted, and be rendered permanent by a power ſuperior to that of the ordinary legiſlature. The general aſſembly therefore of this ſtate recommend

it to the good people thereof, to chuſe delegates to meet in general convention, with powers to form a conſtitution of government for them, and to declare thoſe fundamentals to which all our laws preſent and future ſhall be ſubordinate: and, in compliance with this recommendation, they have thought proper to make choice of us, and to veſt us with powers for this purpoſe.

We therefore, the delegates, choſen by the ſaid good people of this ſtate for the purpoſe aforeſaid, and now aſſembled in general convention, do, in execution of the authority with which we are inveſted, eſtabliſh the following conſtitution and fundamentals of government for the ſaid ſtate of Virginia.

The ſaid ſtate ſhall for ever hereafter be governed as a commonwealth.

The powers of government ſhall be divided into three diſtinct departments, each of them to be confided to a ſeparate body of magiſtracy; to wit, thoſe which are legiſlative to one, thoſe which are judiciary to another, and thoſe which are executive to another. No perſon, or collection of perſons, being of one of theſe departments, ſhall exerciſe any power properly belonging to either of the others, except in the inſtances hereinafter expreſsly permitted.

The

The legiſlature ſhall conſiſt of two branches, the one to be called the Houſe of Delegates, the other the Senate, and both together the General Aſſembly. The concurrence of both of theſe, expreſſed on three ſeveral readings, ſhall be neceſſary to the paſſage of a law. I. Legiſlature.

Delegates for the general aſſembly ſhall be choſen on the laſt Monday of November in every year. But if an election cannot be concluded on that day, it may be adjourned from day to day till it can be concluded. Election.

The number of delegates which each county may ſend ſhall be in proportion to the number of its qualified electors; and the whole number of delegates for the ſtate ſhall be ſo proportioned to the whole number of qualified electors in it, that they ſhall never exceed 300, nor be fewer than 100. Whenever ſuch exceſs or deficiency ſhall take place, the Houſe of Delegates ſo deficient or exceſſive ſhall, notwithſtanding this, continue in being during its legal term; but they ſhall, during that term, re-adjuſt the proportion, ſo as to bring their number within the limits beforementioned at the enſuing election. If any county be reduced in its qualified electors below the number authorized to ſend one delegate, let it be annexed to ſome adjoining county. Delegates.

Senate. For the election of ſenators, let the ſeveral counties be allotted by the ſenate, from time to time, into ſuch and ſo many diſtricts as they ſhall find beſt; and let each county at the time of electing its delegates, chuſe ſenatorial electors, qualified as themſelves are, and four in number for each delegate their county is entitled to ſend, who ſhall convene, and conduct themſelves, in ſuch manner as the legiſlature ſhall direct, with the ſenatorial electors from the other counties of their diſtrict, and then chuſe, by ballot, one ſenator for every ſix delegates which their diſtrict is entitled to chuſe. Let the ſenatorial diſtricts be divided into two claſſes, and let the members elected for one of them be diſſolved at the firſt enſuing general election of delegates, the other at the next, and ſo on alternately for ever.

Electors. All free male citizens, of full age, and ſane mind, who for one year before ſhall have been reſident in the county, or ſhall through the whole of that time have poſſeſſed therein real property of the value of or ſhall for the ſame time have been enrolled in the militia, and no others, ſhall have a right to vote for delegates for the ſaid county, and for ſenatorial electors for the diſtrict. They ſhall give their votes perſonally, and *vivâ voce.*

The

The general assembly shall meet at the place to which the last adjournment was, on the 42d day after the day of the election of delegates, and thenceforward at any other time or place on their own adjournment, till their office expires, which shall be on the day preceding that appointed for the meeting of the next general assembly. But if they shall at any time adjourn for more than one year, it shall be as if they had adjourned for one year precisely. Neither house, without the concurrence of the other, shall adjourn for more than one week, nor to any other place than the one at which they are sitting. The governor shall also have power, with the advice of the council of state, to call them at any other time to the same place, or to a different one, if that shall have become, since the last adjournment, dangerous from an enemy, or from infection. General assembly.

A majority of either house shall be a quorum, and shall be requisite for doing business: but any smaller proportion which from time to time shall be thought expedient by the respective houses, shall be sufficient to call for, and to punish, their non-attending members, and to adjourn themselves for any time not exceeding one week. Quorum.

The members, during their attendance on the general assembly, and for so long a time before Privileges.

before and after as ſhall be neceſſary for travelling to and from the ſame, ſhall be privileged from all perſonal reſtraint and aſſault, and ſhall have no other privilege whatſoever. They ſhall receive during the ſame time, daily wages in gold or ſilver, equal to the value of two buſhels of wheat. This value ſhall be deemed one dollar by the buſhel till the year 1790, in which, and in every tenth year thereafter, the general court, at their firſt ſeſſions in the year, ſhall cauſe a ſpecial jury, of the moſt reſpectable merchants and farmers, to be ſummoned, to declare what ſhall have been the averaged value of wheat during the laſt ten years; which averaged value ſhall be the meaſure of wages for the ten ſubſequent years.

Excluſions

Of this general aſſembly, the treaſurer, attorney general, regiſter, miniſters of the goſpel, officers of the regular armies of this ſtate, or of the United States, perſons receiving ſalaries or emoluments from any power foreign to our confederacy, thoſe who are not reſident in the county for which they are choſen delegates, or diſtricts for which they are choſen ſenators, thoſe who are not qualified as electors, perſons who ſhall have committed treaſon, felony, or ſuch other crime as would ſubject them to infamous puniſhment, or who ſhall have been convicted by due

courſe of law of bribery or corruption, in endeavouring to procure an election to the ſaid aſſembly, ſhall be incapable of being members. All others, not herein elſewhere excluded, who may elect, ſhall be capable of being elected thereto.

Any member of the ſaid aſſembly accepting any office of profit under this ſtate, or the United States, or any of them, ſhall thereby vacate his ſeat, but ſhall be capable of being re-elected.

Vacancies occaſioned by ſuch diſqualifi- Vacancies.
cations, by death, or otherwiſe, ſhall be ſupplied by the electors, on a writ from the ſpeaker of the reſpective houſe.

The general aſſembly ſhall not have power Limits of
to infringe this conſtitution; to abridge the power.
civil rights of any perſon on account of his religious belief; to reſtrain him from profeſſing and ſupporting that belief, or to compel him to contributions, other than thoſe he ſhall have perſonally ſtipulated, for the ſupport of that or any other; to ordain death for any crime but treaſon or murder, or military offences; to pardon, or give a power of pardoning perſons duly convicted of treaſon or felony, but inſtead thereof they may ſubſtitute one or two new trials, and no more; to paſs laws for puniſhing actions done before the exiſtence of ſuch laws; to

paſs

paſs any bill of attainder of treaſon or felony; to preſcribe torture in any caſe whatever; nor to permit the introduction of any more ſlaves to reſide in this ſtate, or the continuance of ſlavery beyond the generation which ſhall be living on the thirty-firſt day of December, one thouſand eight hundred: all perſons born after that day being hereby declared free.

The general aſſembly ſhall have power to ſever from this ſtate all or any part of its territory weſtward of the Ohio, or of the meridian of the mouth of the great Kanhaway, and to cede to Congreſs one hundred ſquare miles of territory in any other part of this ſtate, exempted from the juriſdiction and government of this ſtate ſo long as Congreſs ſhall hold their ſeſſions therein, or in any territory adjacent thereto, which may be ceded to them by any other ſtate.

They ſhall have power to appoint the ſpeakers of their reſpective houſes, treaſurer, auditors, attorney-general, regiſter, all general officers of the military, their own clerks and ſerjeants, and no other officers, except where, in other parts of this conſtitution, ſuch appointment is expreſsly given them.

II. Executive. Governor. The executive powers ſhall be exerciſed by a *governor*, who ſhall be choſen by joint ballot of both houſes of aſſembly, and when choſen

choſen ſhall remain in office five years, and be ineligible a ſecond time. During his term he ſhall hold no other office or emolument under this ſtate, or any other ſtate or power whatſoever. By executive powers, we mean no reference to thoſe powers exerciſed under our former government by the crown as of its prerogative, nor that theſe ſhall be the ſtandard of what may or may not be deemed the rightful powers of the governor. We give him thoſe powers only, which are neceſſary to execute the laws (and adminiſter the government) and which are not in their nature either legiſlative or judiciary. The application of this idea muſt be left to reaſon. We do however expreſsly deny him the prerogative powers of erecting courts, offices, boroughs, corporations, fairs, markets, ports, beacons, light-houſes, and ſea-marks; of laying embargoes, of eſtabliſhing precedence, of retaining within the ſtate or recalling to it any citizen thereof, and of making denizens, except ſo far as he may be authoriſed from time to time by the legiſlature to exerciſe any of thoſe powers. The powers of declaring war and concluding peace, of contracting alliances, of iſſuing letters of marque and repriſal, of raiſing or introducing armed forces, of building armed veſſels, forts, or ſtrong holds, of coining money

money or regulating its value, of regulating weights and meaſures, we leave to be exerciſed under the authority of the confederation: but in all caſes reſpecting them which are out of the ſaid confederation, they ſhall be exerciſed by the governor, under the regulation of ſuch laws as the legiſlature may think it expedient to paſs.

The whole military of the ſtate, whether regular, or of militia, ſhall be ſubject to his directions; but he ſhall leave the execution of thoſe directions to the general officers appointed by the legiſlature.

His ſalary ſhall be fixed by the legiſlature at the ſeſſion of aſſembly in which he ſhall be appointed, and before ſuch appointment be made; or if it be not then fixed, it ſhall be the ſame which his next predeceſſor in office was entitled to. In either caſe he may demand it quarterly out of any money which ſhall be in the public treaſury; and it ſhall not be in the power of the legiſlature to give him leſs or more, either during his continuance in office, or after he ſhall have gone out of it. The lands, houſes, and other things appropriated to the uſe of the governor, ſhall remain to his uſe during his continuance in office.

Council of ſtate.

A *council of ſtate* ſhall be choſen by joint ballot of both houſes of aſſembly, who ſhall hold

hold their offices ſeven years, and be ineligible a ſecond time, and who, while they ſhall be of the ſaid council, ſhall hold no other office or emolument, under this ſtate, or any other ſtate or power whatſoever. Their duty ſhall be to attend and adviſe the governor when called on by him, and their advice in any caſe ſhall be a ſanction to him. They ſhall alſo have power, and it ſhall be their duty, to meet at their own will, and to give their advice, though not required by the governor, in caſes where they ſhall think the public good calls for it. Their advice and proceedings ſhall be entered in books to be kept for that purpoſe, and ſhall be ſigned as approved or diſapproved by the members preſent. Theſe books ſhall be laid before either houſe of aſſembly when called for by them. The ſaid council ſhall conſiſt of eight members for the preſent: but their numbers may be increaſed or reduced by the legiſlature, whenever they ſhall think it neceſſary: provided ſuch reduction be made only as the appointments become vacant by death, reſignation, diſqualification, or regular deprivation. A majority of their actual number, and not fewer, ſhall be a quorum. They ſhall be allowed for the preſent

each by the year, payable quarterly out of any money which ſhall be in the public treaſury.

ſury. Their ſalary however may be increaſed or abated from time to time, at the diſcretion of the legiſlature; provided ſuch increaſe or abatement ſhall not, by any ways or means, be made to affect either then, or at any future time, any one of thoſe then actually in office. At the end of each quarter their ſalary ſhall be divided into equal portions by the number of days on which, during that quarter, a council has been held, or required by the governor, or by their own adjournment, and one of thoſe portions ſhall be withheld from each member for every of the ſaid days which, without cauſe allowed good by the board, he failed to attend, or departed before adjournment without their leave. If no board ſhould have been held during that quarter, there ſhall be no deduction.

Preſident. They ſhall annually chuſe a *preſident*, who ſhall preſide in council in the abſence of the governor, and who, in caſe of his office becoming vacant by death or otherwiſe, ſhall have authority to exerciſe all his functions, till a new appointment be made, as he ſhall alſo in any interval during which the governor ſhall declare himſelf unable to attend to the duties of his office.

III. Judiciary. The *Judiciary* powers ſhall be exerciſed by county courts and ſuch other inferior courts

courts as the legiſlature ſhall think proper to continue or to erect, by three ſuperior courts, to wit, a Court of Admiralty, a General Court of Common Law, and a High Court of Chancery; and by one ſupreme court to be called the Court of Appeals.

The judges of the High Court of Chancery, General Court, and Court of Admiralty, ſhall be four in number each, to be appointed by joint ballot of both houſes of aſſembly, and to hold their offices during good behaviour. While they continue judges, they ſhall hold no other office or emolument, under this ſtate, or any other ſtate or power whatſoever, except that they may be delegated to Congreſs, receiving no additional allowance.

Theſe judges, aſſembled together, ſhall conſtitute the Court of Appeals, whoſe buſineſs ſhall be to receive and determine appeals from the three ſuperior courts, but to receive no original cauſes, except in the caſes expreſsly permitted herein.

A majority of the members of either of theſe courts, and not fewer, ſhall be a quorum. But in the Court of Appeals nine members ſhall be neceſſary to do buſineſs. Any ſmaller numbers however may be authorized by the legiſlature to adjourn their reſpective courts.

They ſhall be allowed for the preſent each by the year, payable quarterly out of any money which ſhall be in the public treaſury. Their ſalaries however may be increaſed or abated, from time to time, at the diſcretion of the legiſlature, provided ſuch increaſe or abatement ſhall not, by any ways or means, be made to affect, either then, or at any future time, any one of thoſe then actually in office. At the end of each quarter their ſalary ſhall be divided into equal portions by the number of days on which, during that quarter, their reſpective courts ſat, or ſhould have ſat, and one of theſe portions ſhall be withheld from each member for every of the ſaid days, which, without cauſe allowed good by his court, he failed to attend, or departed before adjournment without their leave. If no court ſhould have been held during the quarter, there ſhall be no deduction.

There ſhall moreover be a court of *Impeachments* to conſiſt of three members of the council of ſtate, one of each of the ſuperior Courts of Chancery, Common Law, and Admiralty, two members of the Houſe of Delegates and one of the Senate, to be choſen by the body reſpectively of which they are. Before this court any member of the three branches of government, that is

to ſay, the governor, any member of the council, of the two houſes of legiſlature, or of the ſuperior courts, may be impeached by the governor, the council, or either of the ſaid houſes or courts, and by no other, for ſuch miſbehaviour in office as would be ſufficient to remove him therefrom: and the only ſentence they ſhall have authority to paſs ſhall be that of deprivation and future incapacity of office. Seven members ſhall be requiſite to make a court, and two-thirds of thoſe preſent muſt concur in the ſentence. The offences cogniſable by this court ſhall be cogniſable by no other, and they ſhall be triers of the fact as well as judges of the law.

The juſtices or judges of the inferior courts already erected, or hereafter to be erected, ſhall be appointed by the governor, on advice of the council of ſtate, and ſhall hold their offices during good behaviour, or the exiſtence of their court. For breach of the good behaviour, they ſhall be tried according to the laws of the land, before the Court of Appeals, who ſhall be judges of the fact as well as of the law. The only ſentence they ſhall have authority to paſs, ſhall be that of deprivation and future incapacity of office, and two thirds of the members preſent muſt concur in this ſentence.

All courts ſhall appoint their own clerks, who ſhall hold their offices during good behaviour, or the exiſtence of their court: they ſhall alſo appoint all other their attending officers to continue during their pleaſure. Clerks appointed by the ſupreme or the ſuperior courts ſhall be removeable by their reſpective courts. Thoſe to be appointed by other courts ſhall have been previouſly examined, and certified to be duly qualified, by ſome two members of the general court, and ſhall be removeable for breach of the good behaviour by the Court of Appeals only, who ſhall be judges of the fact as well as of the law. Two-thirds of the members preſent muſt concur in the ſentence.

The juſtices or judges of the inferior courts may be members of the legiſlature.

The judgment of no inferior court ſhall be final, in any civil caſe, of greater value than 50 buſhels of wheat, as laſt rated in the general court for ſettling the allowance to the members of the general aſſembly, nor in any caſe of treaſon, felony, or other crime which would ſubject the party to infamous puniſhment.

In all cauſes depending before any court, other than thoſe of impeachments, of appeals, and military courts, facts put in iſſue

ſhall

ſhall be tried by jury, and in all courts whatever witneſſes ſhall give their teſtimony vivâ voce in open court, wherever their attendance can be procured: and all parties ſhall be allowed counſel and compulſory proceſs for their witneſſes.

Fines, amercements, and terms of impriſonment left indefinite by the law, other than for contempts, ſhall be fixed by the jury, triers of the offence.

IV. Council of Reviſion.

The governor, two councellors of ſtate, and a judge from each of the ſuperior Courts of chancery, Common Law, and Admiralty, ſhall be a council to reviſe all bills which ſhall have paſſed both houſes of aſſembly, in which council the governor, when preſent, ſhall preſide. Every bill, before it becomes a law, ſhall be preſented to this council, who ſhall have a right to adviſe its rejection, returning the bill, with their advice and reaſons in writing, to the houſe in which it originated, who ſhall proceed to reconſider the ſaid bill. But if after ſuch reconſideration, two thirds of the houſe ſhall be of opinion the bill ſhould paſs finally, they ſhall paſs and ſend it, with the advice and written reaſons of the ſaid council of reviſion to the other houſe, wherein, if two thirds alſo ſhall be of opi-

nion it ſhould paſs finally, it ſhall thereupon become law: otherwiſe it ſhall not.

If any bill, preſented to the ſaid council, be not, within one week (excluſive of the day of preſenting it) returned by them, with their advice of rejection and reaſons, to the houſe wherein it originated, or to the clerk of the ſaid houſe, in caſe of its adjournment over the expiration of the week, it ſhall be law from the expiration of the week, and ſhall then be demandable by the clerk of the Houſe of Delegates, to be filed of record in his office.

The bills which they approve ſhall become law from the time of ſuch approbation, and ſhall then be returned to, or demandable by, the clerk of the Houſe of Delegates, to be filed of record in his office.

A bill rejected on advice of the Council of Reviſion may again be propoſed, during the ſame ſeſſion of aſſembly, with ſuch alterations as will render it conformable to their advice.

The members of the ſaid Council of Reviſion ſhall be appointed from time to time by the board or court of which they reſpectively are. Two of the executive and two of the judiciary members ſhall be requiſite to do buſineſs: and to prevent the evils of non-attendance, the board and courts may,

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at any time, name all, or ſo many as they will, of their members, in the particular order in which they would chuſe the duty of attendance to devolve from preceding to ſubſequent members, the preceding failing to attend. They ſhall have additionally for their ſervices in this council the ſame allowance as members of aſſembly have.

The Confederation is made a part of this conſtitution, ſubject to ſuch future alterations as ſhall be agreed to by the legiſlature of this ſtate, and by all the other confederating ſtates. Confederacy.

The delegates to Congreſs ſhall be five in number; any three of whom, and no fewer, may be a repreſentation. They ſhall be appointed by joint ballot of both houſes of aſſembly for any term not exceeding one year, ſubject to be recalled, within the term, by joint vote of both the ſaid houſes. They may at the ſame time be members of the legiſlative or judiciary departments, but not of the executive. Delegates to Congreſs.

The benefits of the writ of Habeas Corpus ſhall be extended, by the legiſlature, to every perſon within this ſtate, and without fee, and ſhall be ſo facilitated that no perſon may be detained in priſon more than ten days after he ſhall have demanded and been refuſed ſuch writ by the judge ap- Hab. Corp.

pointed by law, or if none be appointed, then by any judge of a ſuperior court, nor more than ten days after ſuch writ ſhall have been ſerved on the perſon detaining him, and no order given, on due examination, for his remandment or diſcharge.

Military. The military ſhall be ſubordinate to the civil power.

Printing. Printing-preſſes ſhall be ſubject to no other reſtraint than liableneſs to legal proſecution for falſe facts printed and publiſhed.

Convention. Any two of the three branches of government concurring in opinion, each by the voices of two thirds of their whole exiſting number, that a convention is neceſſary for altering this conſtitution, or correcting breaches of it, they ſhall be authorized to iſſue writs to every county for the election of ſo many delegates as they are authorized to ſend to the General Aſſembly, which elections ſhall be held, and writs returned, as the laws ſhall have provided in the caſe of elections of Delegates to aſſembly, mutatis mutandis, and the ſaid Delegates ſhall meet at the uſual place of holding aſſemblies, three months after the date of ſuch writs, and ſhall be acknowledged to have equal powers with this preſent convention. The ſaid writs ſhall be ſigned by all the members approving the ſame.

To introduce this government, the following ſpecial and temporary proviſion is made.

This convention being authorized only to amend thoſe laws which conſtituted the form of government, no general diſſolution of the whole ſyſtem of laws can be ſuppoſed to have taken place: but all laws in force at the meeting of this convention, and not inconſiſtent with this conſtitution, remain in full force, ſubject to alterations by the ordinary legiſlature.

The preſent General Aſſembly ſhall continue till the 42d day after the laſt Monday of November in this preſent year. On the ſaid laſt Monday of November in this preſent year, the ſeveral counties ſhall, by their electors, qualified as provided by this conſtitution, elect delegates, which for the preſent ſhall be, in number, one for every militia of the ſaid county, according to the lateſt returns in poſſeſſion of the governor, and ſhall alſo chuſe ſenatorial electors in proportion thereto, which ſenatorial electors ſhall meet on the 14th day after the day of their election, at the Court-houſe of that county of their preſent diſtrict which would ſtand firſt in an alphabetical arrangement of their counties, and ſhall chuſe ſenators in the proportion fixed by this conſtitution. The elections and returns ſhall be conducted,

ducted, in all circumſtances not hereby particularly preſcribed, by the ſame perſons and under the ſame forms, as preſcribed by the preſent laws in elections of Senators and Delegates of Aſſembly. The ſaid Senators and Delegates ſhall conſtitute the firſt General Aſſembly of the new government, and ſhall ſpecially apply themſelves to the procuring an exact return from every county of the number of its qualified electors, and to the ſettlement of the number of Delegates to be elected for the enſuing General Aſſembly.

The preſent Governor ſhall continue in office to the end of the term for which he was elected.

All other officers of every kind ſhall continue in office as they would have done had their appointment been under this conſtitution, and new ones, where new are hereby called for, ſhall be appointed by the authority to which ſuch appointment is referred. One of the preſent judges of the general court, he conſenting thereto, ſhall by joint ballot of both houſes of aſſembly, at their firſt meeting, be transferred to the High Court of Chancery.

N° III.

An ACT *for eſtabliſhing* RELIGIOUS FREEDOM, *paſſed in the Aſſembly of Virginia in the beginning of the year* 1786.

WELL aware that Almighty God hath created the mind free; that all attempts to influence it by temporal puniſhments or burthens, or by civil incapacitations, tend only to beget habits of hypocriſy and meanneſs, and are a departure from the plan of the Holy Author of our religion, who, being Lord both of body and mind, yet choſe not to propagate it by coercions on either, as was in his Almighty power to do; that the impious preſumption of legiſlators and rulers, civil as well as eccleſiaſtical, who, being themſelves but fallible and uninſpired men have aſſumed dominion over the faith of others, ſetting up their own opinions and modes of thinking as the only true and infallible, and as ſuch endeavouring to impoſe them on others, hath eſtabliſhed and maintained falſe religions over

over the greateſt part of the world, and through all time; That to compel a man to furniſh contributions of money for the propagation of opinions which he diſbelieves, is ſinful and tyrannical; that even the forcing him to ſupport this or that teacher of his own religious perſuaſion, is depriving him of the comfortable liberty of giving his contributions to the particular paſtor whoſe morals he would make his pattern, and whoſe powers he feels moſt perſuaſive to righteouſneſs, and is withdrawing from the miniſtry thoſe temporal rewards, which, proceeding from an approbation of their perſonal conduct, are an additional incitement to earneſt and unremitting labours for the inſtruction of mankind; that our civil rights have no dependence on our religious opinions, more than on our opinions in phyſics or geometry; that therefore the proſcribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of truſt and emolument, unleſs he profeſs or renounce this or that religious opinion, is depriving him injuriouſly of thoſe privileges and advantages to which in common with his fellow citizens he has a natural right; that it tends alſo to corrupt the principles of that very religion it is meant to encourage,

encourage, by bribing, with a monopoly of worldly honors and emoluments, thoſe who will externally profeſs and conform to it; that though indeed theſe are criminal who do not withſtand ſuch temptation, yet neither are thoſe innocent who lay the bait in their way; that to ſuffer the civil magiſtrate to intrude his powers into the field of opinion, and to reſtrain the profeſſion or propagation of principles, on ſuppoſition of their ill tendency, is a dangerous fallacy, which at once deſtroys all religious liberty, becauſe he being of courſe judge of that tendency, will make his opinions the rule of judgment, and approve or condemn the ſentiments of others only as they ſhall ſquare with or differ from his own; that it is time enough for the rightful purpoſes of civil government for its officers to interfere when principles break out into overt acts againſt peace and good order; and finally, that truth is great and will prevail if left to herſelf, that ſhe is the proper and ſufficient antagoniſt to error, and has nothing to fear from the conflict, unleſs by human interpoſition diſarmed of her natural weapons, free argument and debate, errors ceaſing to be dangerous when it is permitted freely to contradict them.

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Be it therefore enacted by the General Aſſembly, That no man ſhall be compelled to frequent or ſupport any religious worſhip, place or miniſtry whatſoever, nor ſhall be enforced, reſtrained, moleſted, or burthened in his body or goods, nor ſhall otherwiſe ſuffer on account of his religious opinions or belief; but that all men ſhall be free to profeſs, and by argument to maintain, their opinions in matters of religion, and that the ſame ſhall in no wiſe diminiſh, enlarge, or affect their civil capacities.

And though we well know that this Aſſembly, elected by the people for the ordinary purpoſes of legiſlation only, have no power to reſtrain the acts of ſucceeding Aſſemblies, conſtituted with powers equal to our own, and that therefore to declare this act irrevocable, would be of no effect in law, yet we are free to declare, and do declare, that the rights hereby aſſerted are of the natural rights of mankind, and that if any act ſhall be hereafter paſſed to repeal the preſent, or to narrow its operation, ſuch act will be an infringement of natural right.

FINIS.

EFFERSON'S NOTES ON VIRGINIA.—I.

BROOKLYN, January 24, 1894.

THE wide reputation and high value that ave been accorded to the 'Notes on Virginia' or over one hundred years makes any attempt o praise it at this day little less than a work of upererogation. Its frequent republication is lone testimony sufficient to prove its unusual erit. Aside from its intrinsic value, it is of nterest as Jefferson's most serious piece of ook-making, and the one on which the larger art of his philosophical reputation was based uring his lifetime. It was also, at the time of s production, a notable contribution to American scientific writing, and has been, perhaps, he most frequently reprinted book ever written in the United States south of Mason and Dixon's line. Yet, in spite of this reputation, I have been surprised, in a recent study of the ook, to find how little was known concerning ts true history, and how important a compaison of the various editions was for a proper se of the book. Some of these facts seem of fficient value to put in print.

The 'Notes on Virginia' was prepared for e benefit of the French Government, by Jefrson, in 1781. It purported merely to answer series of questions concerning Virginia which at government was asking of each State of e Union. But after Jefferson had sent his eplies to the French minister, he went over is Notes, and elaborated them into a full acount of the State, making a work of the utmost value. His friends asked for copies to such an extent that Jefferson concluded to rint it, and, when he reached Paris, he had wo hundred copies struck off. The printer of he edition has never been known, but is reealed by notes in his diary, for he records on eptember 13, 1784: "Pd. M. La Marche in art for sheets 1,176f."; and under October 15: Pd. M. La Marche balance for sheets 69f." few of these copies Jefferson at once distriuted, always writing on the fly-leaf a request hat it be considered a confidential communiation. At the Columbian Exposition, in the French exhibit, Lafayette's copy of the book was shown, with the following autograph inscription, which is a good type of the others:

"Th. Jefferson begs the Marquis de La Fayette's acceptance of a copy of these Notes. The circumstances under which they were written, and the talents of the writer, will account for their errors and defects. The original was sent to Mr. de Marbois in December, 1781.

"The desire of a friend to possess some of the details they contained occasioned him to revise them in the subsequent winter. The vices however of their original composition were such as to forbid material amendment. He now has a few copies printed with a design of offering them to some of his friends, and to some estimable characters beyond that line. A copy is presented to the Marquis de La Fayette whose services to the American Union in general, and to that member of it particularly which is the subject of these Notes and in that precise point of time too to which they relate, entitle him to this offering.

"To these considerations the writer hopes he may be permitted to add his own personal friendship and esteem for the Marquis. Unwilling to expose these sheets to the public eye the writer begs the favor of the Marquis to put them into the hands of no person on whose care and fidelity he cannot rely to guard them against publication."

Jefferson's reason for such secrecy was due to his severe strictures on slavery and the Constitution of Virginia. He had himself suffered in the party heats of his State, and he knew that he should make himself disliked by the whole "planter interest" by his views on the former, and by Patrick Henry and his partisans by his criticisms of the Constitution. Otherwise he had no wish to withhold its publication, as is shown by a letter of his to Chastellux:

"I am not afraid that you should make any extracts you please for the Journal de Physique which come within their plan of publication. The strictures on slavery and on the constitution of Virginia are not of that kind, and they are the parts which I do not wish to have made public, at least till I know whether their publication would do most harm or good. It is possible that in my own country these strictures might produce an irritation which indispose the people toward the two great objects I have in view, that is the emancipation of their slaves & the settlement of their constitution on a firmer & more permanent basis."

Yet even these criticisms had been toned down by Jefferson before printing. The original proof-sheets of this first edition are preserved in the New York State Library at Albany, and, to show how far Jefferson modified his "first thoughts," the following comparison of what he wrote concerning the action of the Virginia Assembly in 1781 in voting that "40 members be a quorum during the present invasion," and what he printed, is interesting:

PROOF-SHEETS.	TEXT OF 1784.
But they might as well have voted that a square inch of linen should be sufficient to make them a shirt, and walk into public view in confidence of being covered by it. Nor would it make the shirt bigger, that they could get no more linen.	But this danger could not authorize them to call that a house which was none; and if they may fix it at one number, they may at another, till it loses its fundamental character of being a representative body. This vote expires with the present invasion, it is probable the former rule will be permitted to revive; because at present no ill is meant.

Jefferson's revision did not end with the proof sheets. As first printed, the text of 1784 advanced his famous theory of shell formations in high mountains, a theory which was greeted with such ridicule by the French press that Jefferson promptly cancelled the three pages that contained it, and had new leaves printed for insertion in their place. He wrote to Carmichael, December 26, 1786:

"My Notes on Virginia having been hastily written, need abundance of corrections. Two or three of these are so material that I am reprinting a few leaves to substitute for the old. As soon as these shall be ready I will beg your acceptance of a copy."

This change was as follows:

CANCELLED LEAVES.	SUBSTITUTE LEAVES.
But such deluges as these will not account for the shells found in the higher lands. Besides the usual process for generating shells by the elaboration of earth and water in animal vessels, may not nature have provided an equivalent operation, by passing the same materials through the pores of calcareous earths and stones? As we see calcareous dropstones generating every day by the percolation of water through limestone, and new marble forming in the quarries from which the old has been taken out, which is said to be the case in the quarries of Italy. Is it more difficult for nature to shoot the calcareous juice into the form of a shell, than other juices into the forms of chrystals, plants, animals, according to the construction of the vessels through which they pass? There is a wonder somewhere. Is it greatest on this branch of a dilemma or on that which supposes the creation of such a body of water, and its subsequent annihilation? Have not naturalists already brought themselves to believe much stranger things? Thus, they seriously concur in the opinion that those immense hills and plains of marble to be found in every quarter of the globe, nay the very foundations of the earth itself, which is of limestone in large tracts of this country and probably of others, and has been found here to continue solid to the depth of 200 feet, farther than which we have not penetrated, that these, I say, and all other calcareous bodies are animal remains. M. de Voltaire, who seems first to have suspected that shells might grow unconnected with animal bodies, specifies an instance in a particular place in France which has never yet, as far as I have heard, been disproved or denied.	M. de Voltaire has suggested a third solution of this difficulty. (Quest Encycl. Coquilles.) He cites an instance in Tourraine, where, in the space of eighty years, a particular spot of earth had been twice metamorphosed in to soft stone, which had become hard when employed in building: in this stone, shells of various kinds were produced, discoverable at first only with the microscope, but afterwards growing with the stone. From this fact, I suppose, he would have us infer that besides the usual process for generating shells by the elaboration of earth and water in animal vessels, nature may have provided an equivalent operation, by passing the same materials through the pores of calcareous earths and stones: as we see calcareous dropstones generating every day by percolation of water through limestone, and new marble forming in the quarries from which the old has been taken out: and it might be asked whether it is more difficult for nature to shoot the calcareous juice into the form of a shell than other juices into the form of chrystals, plants, animals, according to the construction of the vessels through which they pass? There is a wonder somewhere. Is it greatest on this branch of the dilemma; on that which supposes the existence of a power of which we have no evidence in any other case; or on the first, which requires us to believe the creation of a body of water, and its subsequent annihilation? The establishment of the instance cited by M. de Voltaire, of the growth of shells unattached to animal bodies would have been that of this theory. But he has not established it. He has not even left it on ground so respectable as to have rendered it an object of enquiry to the literati of his own country. Abandoning this fact, therefore, the three hypotheses are equally unsatisfactory; & we must be contented to acknowledge that this great phenomenon is as yet unsolved. Ignorance is preferable to error: and he is less remote from the truth who believes nothing, than he who believes what is wrong.

Quite as curious is a change Jefferson made in another part of the text of the first edition, in revising it for the edition of 1787—a change which indicates how far the influence of the French theories then germinating into the Revolution, as well as the frightful social condition of France, had developed his democratic theories. This change is made in his paragraph on the government of the American Indians:

TEXT OF 1784.	TEXT OF 1787.
Very possible there may have been anciently three different stocks each of which multiplying in a long course of time, had separated into so many little societies, the principals of their government being so weak as to give this liberty to all its members.	Very possible there may have been anciently three different stocks, each of which multiplying in a long course of time, had separated into as many little societies. This practice results from the circumstance of their having never submitted themselves to any laws, any coercive power, any shadow of government. Their only controls are their manners, and that moral sense of right and wrong, which, like the sense of tasting and feeling in every man, makes a part of his nature. An offence against these is punished by contempt by exclusion from society, or, where the case is serious, as that of murder, by the individuals whom it concerns. Imperfect as this species of coercion may seem, crimes are very rare among them, insomuch that were it made a question, whether no law, as among the savage Americans, or too much law, as among the civilized Europeans, submits man to the greatest evil, one who has seen both conditions of existence would pronounce it to be the last; and that the sheep are happier of themselves, than under care of the wolves. It will be said, that great societies cannot exist without government. The savages therefore, break them into small ones.

PAUL LEICESTER FORD.

This phase of the tariff is not in the least a matter for surprise. The Republicans ought to defend the practice instead of denying its existence. Some of them, in former debates, have defended it, saying that it is a gain to the country to sell abroad the surplus of production, even if the profit is very small, since it is a question of little profit or none. This argument is intelligible, and, what is more to the purpose, it conforms to the facts. Take a case lately cited in the *Evening Post* by Mr. A. H. Saxton, a well-known hardware-dealer in this city. The manufacturers of cut tacks have had the American market to themselves for more than half a century, under every kind of a tariff—under the Walker tariff, the Morrill tariff, and the McKinley tariff. They exported their products to Australia and elsewhere as long ago as 1860, and are doing so still. Recently Mr. Saxton had occasion to inquire what were the foreign prices of these goods. He found that the American duties on tacks were equal to 105 per cent. ad valorem, and that the domestic price was within 10 per cent. of what the foreign ones would cost with the duty added, "so that while cut tacks can be exported in competition with the foreign article in the markets of the world, the protective tariff enables the manufacturers to obtain from our own people almost double the price they could otherwise command."

It is needless to multiply illustrations. It is just as certain and inevitable as any other law of trade that the maker of an article who has the domestic market secured to him by the tariff will sell his surplus in foreign markets at any price he can get above the cost of production. Sometimes a tariff is enacted for that express purpose. Such was the outrageous tariff of 1869 on copper and copper ores. Before that law was passed we were exporting copper to European markets in large quantities, and this was notoriously the best copper in the world, and was obtained more cheaply than it could be produced elsewhere. Moreover, the companies producing it on Lake Superior were the richest in the world. For these reasons precisely, and in order to kill certain copper-smelting establishments in Boston and Baltimore, which were working in part on foreign ores, the copper tariff bill of 1869 was passed. It had the intended effect. It killed these smelting establishments, and it enabled the Calumet and Hecla Company to raise their price in the home market to the foreign price plus the tariff and freight. In other words, the company sold copper to Englishmen, Frenchmen, and Germans at five cents per pound less than they charged American consumers for the same article. One of the unexpected results was that some shrewd American dealers bought Lake Superior copper in foreign markets and shipped it back to New York, where it was entered free of duty as an American export returning in the original packages, and was sold at lower prices than the same kind of copper could be obtained for that had never crossed the ocean. This condition of things never caused a blush on the cheeks of the tariff-makers or the beneficiaries. The latter sent an agent to Europe who bought up all of their own copper that could be found in that market, and thereafter refnsed to sell any there unless they knew that it was to be consumed abroad.

This case is only one of hundreds. It is a little more glaring than others because the copper tariff of 1869 was a bill by itself. It contained nothing else, and hence it drew attention to a single item. It was peculiar also in the avowal made by its advocates that if they did not get what they wanted, they would kick the whole system of protection to the winds. It was peculiar further in the fact that the bill was vetoed by President Johnson and passed over his veto by a two-thirds majority. Aside from these quite extraneous circumstances, it was in no way different from the cases exposed in Mr. Warner's pamphlet or those mentioned in Mr. Saxton's letter. They are "all of a piece." They are as inevitable as the tariff-protected Trusts and combines.

SOCIALISM IN PRACTICE.

A CORRESPONDENT of the *Débats* has been writing some interesting letters from Roubaix, describing the workings of socialism in that place. It is a thriving manufacturing city of 120,000 inhabitants, which in 1892 elected a mayor and Municipal Council of pronounced socialistic views and on a frankly socialistic platform. Their "electoral programme" consisted of fourteen articles, and proposed, among other things, to furnish school children one meal a day and two suits of clothes a year, to suppress taxes on the necessaries of life, to establish an eight-hours' day with a guarantee of at least a minimum wage; promised free employment bureaus, free medical advice and medicines at cost, free legal advice in "all matters concerning workingmen"; and declared in favor of paying city officers no higher salaries than those received by skilled workmen. On the strength of these proposals and promises the socialist mayor and Council were elected by large majorities, and have now been in control of Roubaix for one year.

What have been the results? It was to answer that question that the correspondent made his inquiries, rightly deeming one concrete case to be worth a thousand dreams on paper. He found that the new era had not got on very far. The socialistic authorities were not finding it so easy to perform as to promise. Certain annoying laws stood in their way, as, for example, those which enabled the prefect of the department to put a summary stop to their plan of having the

greater than for 1893. Where is money to come from? From the n of the case it will not do to increas taxes on workingmen. But canno "bourgeois" be bled? In the first i it is doubtful if they will quietly mit to the operation, and eq doubtful if taxes can be devise their special benefit which wi hurt either the pocket or the feeli some workingman. This was shown in the attempt of the Ro Council to levy the *octroi* taxes s hit the bourgeois only. Common of cheese were left free, while and Gruyère were taxed. But in ly a great outcry arose from proletariat. Were they, then, nev have any of the good things of Taxing luxuries, forsooth! Why, i the very essence of socialism to div the luxuries, and not start out thi on the vile capitalistic theory tha poor workingman is never to hav bit of Gruyère! These consideratio proving very embarrassing to the cil.

The personnel of the Council i worth notice. It is composed of t six members, of whom twenty-eig saloon-keepers. There are 8,000 s in Roubaix, so that it is only fai they should furnish a goodly num apostles of the new religion. It wonder, either, that they should s readiness to help themselves to th things of the Kingdom. The Coun had frequent occasion to take lit cursions to various points to stu cialistic experiments, and the l regularly presented to the city. they took a trip to Guise recentl turned in a bill of $40 each; the r fare, it may not be without pertine remark, is $3. It is only fair to s

a whole scene—that is to say, exactly rendered as only form and color can render a visual image—its relation to one of Giotto's whole pictures would have been the same. Dante's visual image of the Virtues, of the heavenly hosts, of Christ and the Virgin, of St. Francis, could not have been very different from Giotto's, nor even his image of Beatrice very different from one of the great painter's sleek-faced, almond-eyed, waistless women. Beatrice did not necessarily look like this. The visual image is not the direct impression of the object, but the memory of the impression more or less vague according to the varying powers of visualization; and in a lover of the arts such as Dante was, visualization is largely determined by the works of art with which he is intimately acquainted. It is Giotto whom Dante knew best and loved best, and it is the study of Giotto, therefore, and of kindred painters (some even closer in spirit to Dante, such as Duccio, Si-

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nited States forces. But
lan that has failed? It
our national love of justice and regard for the weak and wronged. Has that failed? Did that depend upon the willingness or the refusal of the provisional government to give up their stolen goods? If anything has failed, it has been the simple purpose of the President to carry out a fundamental principle of Christianity. That, we suppose, is the reason why the religious papers exult so greatly over the "failure." But it is of the nature of a fine and just action that its merit and real success reside in the intention, not in the execution. A brutal and unjust action has no defence but outward success. The Chilian fiasco, for example, was really ridiculous, because an act of aggression, of assault by the strong upon the weak, came to lamentable failure at the very start. Only a bloody and "glorious" war could have excused that bit of international brutality. But international fairness, unselfishness, generosity, justify themselves, and are independent of the result. When the history of this Hawaiian affair comes to be written, after the partisan clamor has died out, it will be seen that Mr. Cleveland struck a fine note of patriotism and of justice. Those who maintain that this was a "failure," because the practical result he immediately aimed at was not brought about, must be prepared also to maintain that there is no moral argument but that of pike and gun, and that, because incarnate Justice came to death on the cross, it was the most stupendous "failure" in history.

A SUGGESTION FOR SOCIALISTS.

We never read any of these lucubrations of our friends the socialists, or "nationalists," without wondering why they do not go to work at once in the formation of communities like the mediæval monasteries, in which they could carry out their own theories. The monasteries owed their foundation largely to that discontent among good men with the moral and industrial condition of the world, in the twelfth and thirteenth centuries, which the socialists and their sympathizers now feel about the condition of the world in the nineteenth century. Competition of the worst kind ruled the earth. The weak and the poor went to the wall. The rich were in possession of nearly all the good things of the world, and were all the time growing richer, the poor poorer. Vast tracts of land had been lying in wilderness ever since the irruptions of the barbarians in the fifth and sixth centuries. The founders of the great orders could bear this no longer. They said to the weak, helpless, and discontented: "Come and live with us. We will dig and delve, and pray, and have everything in common; a sure living for all under the reign of a common law and a pure religion." The poor and weak and helpless went with them, and the great monasteries grew up all over the Continent and England, and flourished until human nature got the better of them.

Now this same resource is open to the socialists. They can found as many communities as they please, in which no man shall be any richer than his neighbors and friends, in which work will be apportioned to capacity and wages to needs, in which the market price of goods shall be of no consequence, in which there shall be neither lawyers, nor pauperism, nor crime, nor prostitution, in which education and libraries shall be gratuitous, and religion shall be "abreast of the times." There are all over the East and West tens of thousands of acres of lands which can be had for a song, and which

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which he has tormented me so much, as well as my clothes, which I have received from him, for from this moment I will say only, 'My Father, who art in heaven.'" The bishop had to give Francis a mantle to cover him when he retired. This extraordinary scene, the serious-

he was not the Author of." But in subsequent editions the original version is unchanged, and, by Jefferson's suppression of proof against his view, he became truly answerable for the statement. How far this deception was induced by the personal and political antipathy between himself and Martin cannot be decided, but the whole matter was used as political ammunition by both parties, and presumably produced the usual verity that political controversy is famous for.

Yet if Jefferson would not acknowledge his error, it was later made to appear that he did, for his editor, H. A. Washington, in the Congressional edition of his writings, took the liberty of changing the text to please his own view. How far he differed from Jefferson the following extracts will show:

JEFFERSON'S TEXT.	EDITOR'S VERSION.
In the spring of the year 1774, a robbery and murder were committed on an inhabitant of the frontier of Virginia, by two Indians of the Shawanee tribe. The neighboring whites, according to their custom, undertook to punish this outrage in a summary way. Col. Cresap, a man infamous for the many murders he had committed on those much-injured people, collected a party and proceeded down the Kanhaway in quest of vengeance. Unfortunately a canoe of women and children, with one man only, was seen coming from the opposite shore, unarmed, and unsuspecting a hostile attack from the whites. Cresap and his party concealed themselves on the bank of the river, and the moment the canoe reached the shore singled out their objects, and, at one fire, killed every person in it. This happened to be the family of Logan, who had long been distinguished as a friend of the whites.	In the spring of the year 1774, a robbery was committed by some Indians on certain land adventurers on the river Ohio. The whites in that quarter, according to their custom, undertook to punish this outrage in a summary way. Captain Michael Cresap, and a certain Daniel Greathouse, leading on these parties, surprised, at different times, travelling and hunting parties of the Indians, having their women and children with them, and murdered many. Among these were unfortunately the family of Logan, a chief celebrated in peace and war, and long distinguished as the friend of the whites.

Nor is this the only blame to be attached to Washington's text. It is a tissue of typographical errors so serious as to entirely discredit it, as when it prints "recognition" for resignation, "conformable" for conformed, "it should not be deemed homicide" for it should be deemed homicide, "our rulers can have no authority" for our rulers can have authority.

Another text is that printed in the edition of 1853, taken from Jefferson's copy of the edition of 1787, and embodying his MS. corrections and additions. This is naturally an important one, though but little known. Yet even this copy did not contain all the changes of opinion he had undergone. Thus, the original chapter (xix.) on manufactures, commerce, and trade, for which Jefferson has been so severely blamed because of his expressed dislike for them, singers could be secured, if the inmates did not choose to go to hear them in the theatres frequented by the monopolists and capitalists. In these establishments every kind of manufacture could be carried on, and every kind of trade practised. If it be asked where the markets for the goods would be found, we answer, within the community itself. There would never be any hard times or slack demand, because the demand would be regulated by the government. The paper money would prevent any currency panics like that of last summer, and nobody would be permitted to retrench. The matter of transportation in the cars and omnibuses would be attempted by the other classes to reduce them to the minimum of subsistence, they will quit their trades and go laboring the earth. A first question is, whether it is desirable for us to receive at present the dissolute and demoralized handicraftsmen of the old cities of Europe? A second and more difficult one is, when even good handicraftsmen arrive here, is it better for them to set up their trade, or go to the culture of the earth? Whether their labor in their trade is worth more than their labor on the soil, increased by the creative energies of the earth? Had I time to revise that chapter, this question should be discussed, and other views of the subject taken, which are presented by the wonderful changes which have taken place here since 1781, when the Notes on Virginia were written. Perhaps when I retire I may amuse myself with a serious review of this work; at present it is out of the question."

One of the controversies that the 'Notes' involved Jefferson in was his charge that in 1781 it was proposed that the Virginia Assembly should name a dictator. There can be little doubt that this statement was made with the intent of injuring Patrick Henry, who had been prominent in the attempt to impeach Jefferson for incapacity and cowardice in that year, and who had also furthered this project of a dictator. Indeed, in 1798-9, the Jefferson partisans used this in the attempt to crush Henry when he attacked the Virginia Resolutions, and the charge was openly made that Henry had intended to be dictator himself. This led to a denial, from the Henry adherents, that such a suggestion had ever been made, which naturally involved the statement made in the 'Notes.' Jefferson, therefore, sought material with which to bolster his own assertion, and among others obtained a letter from Archibald Stuart, a member of the Legislature in 1781, which has never yet been printed, though a most important historical document. It was as follows:

STAUNTON, Sept. 8, 1818.

DEAR SIR,—I presume you have seen Mr. Wirt's Sketches of the Life of Patrick Henry; and that he denies Mr. H. favored the project of Establishing a Dictator during the revolutionary War. Even doubts respecting events of such recent date tend greatly to impair the credit of History. There are many now living who witnessed the part Mr. Henry took on that subject. After the Assembly was dispersed at Charlottesville in the year 1781 it met in Staunton where Mr. George Nicholas a member of that body, proposed that a Dictator be established in this Commonwealth who should have the power of disposing of the lives and fortunes of the Citizens thereof without being subject to account. In support of this resolution he observed that the Country was overrun by the Enemy and that the Operation of the Govt. was nearly suspended:—That although the powers proposed to be confered were very great the character he proposed to fill the office would remove all apprehensions arising from the abuse of them—That this character was Genl. Washington—That he was our fellow citizen, that we had a right to command his services and that he had no doubt but that on such an Occasion he would obey the call of his country. In the course of his speech he referred to the practice of the Romans on similar occasions. After Mr. Nicholas sat down Mr. Henry addressed the Chair; he observed it was immaterial to him whether the Officer proposed was called a Dictator or a Governor with enlarged powers or by any other name yet surely an officer armed with such powers was necessary to restrain the unbridled fury of a licentious enemy and concluded by seconding the Motion.

"On the other hand it was contended by Mann Page from Spottsylvania and several other Members;—That our affairs were not desperate, That the pressure we felt was but temporary, That the Govt was still efficient,—That the spirit of the people was unbroken, That it was unbecoming in their representatives to damp their ardor by an Act of despair—That they had equal confidence with the mover of the resolution in the Integrity of Genl. Washington, but that he nor no other man ought to be armed with such unlimited powers. That they well know he would not accept the office—That if he was willing to accept it, he was better at the head of the Army than in the exercise of powers which would render him odious to the people—After a lengthy discussion the proposition was negatived.

"I was present at this discussion and could easily discover that the proposition was not relished by the people. Their feelings were of a different character; had the enemy advanced they would have risen in mass to repel them.

"I communicated these facts to you shortly after they took place.

"I am yours most sincerely
"ARCH: STUART."

PAUL LEICESTER FORD.

Potomac at Harpers Ferry 27

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